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THE MOBILITY OF Unskilled and Undocumented MIGRANTS: INDONESIAN WORKERS IN THE NETHERLANDS

Editor: Amin Mudzakkir

LIPI

THE MOBILITY OF UNSKILLED AND UNDOCUMENTED MIGRANTS:
Indonesian Workers in the Netherlands

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EDITORIAL NOTE

As a scientific publisher, LIPI Press holds on high responsibility to enlighten society's intelligence and awareness through the provision of qualified publication. This scholarly edited book entitled *The Mobility of Unskilled and Undocumented Migrants: Indonesian Workers in the Netherlands* has encountered quality control mechanism through editorial process, including peer review and copy edit.

This edited book comes up with an idea of paradoxical cases about the fate of Indonesian unskilled and undocumented migrant workers in Netherlands. As known, in Holland unskilled workers are perceived as a burden for welfare and system and social security, while undocumented ones are labeled as criminals. However, their presence is still needed by the indigenous community. This inevitably creates a regional polemic between the two nations.

We surely hope this edited book could give new insights and information, especially about the reasons of why the problematic cases of unskilled and undocumented Indonesian immigrant workers are still considered high in Netherlands. At practical level, we hope this book could give meaningful assistance for Indonesian Government through the embassy to capture more this dynamics of migration. Thus, the basic rights protection of migrant workers, especially the undocumented ones, could be more wisely noticed and overcome.

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As a final note, we would like to deliver our heartfelt gratitude to everyone taking part in the process of this book.

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FOREWORD

This book is intended to explain the Indonesian unskilled/ undocumented workers in the Netherlands. The topic emerges as a part of the multi-years research of Indonesian peoples in the Netherlands. It is a second of five-year project we planned.

The research for this book was primarily located in the Netherlands particularly in Amsterdam, Utrecht, The Hague and Leiden. We would like to thank to KITLV (Koninklijk Instituut voor Taal-, Land-en Volkenkunde, Royal Netherlands Institute of South East Asian and Caribbean Studies) in Leiden for always being of our counterpart that make this research possible. We also want to thank to Indonesian Embassy in The Hague. Thank you to all the informants who had given us valuable information and insight for this topic and also thank to IMWU (Indonesia Migrant Workers Union). Thank you also to our colleagues in PSDR-LIPI for their valuable help to bring this project to fruition.

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We hope the book will contribute to the existing debate on migration and above all to expose the Indonesian unskilled/undocumented workers in the Netherlands which is neglected in academic and political realm.

Director, Research Center for Regional Resources
Indonesian Institute of Sciences

Drs. Dundin Zaenuddin, M.A

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PREFACE

This book is intended to explain The Mobility of Unskilled and Undocumented Migrants: Indonesian Workers in the Netherlands. The book's topic emerges as a continuation project under the topic of migration in the Netherlands that has been carried out for more than five years in the Research Center for Regional Resources, Indonesia Institute of Sciences. This study was primarily located in the Netherlands, particularly in Amsterdam, Rotterdam, Utrecht, The Haque and Leiden.

This book focused on unskilled and undocumented workers, and this study also describes the migration and citizenship policies in the Netherlands. At the academic level the study is expected to fill the shortage, while at the practical level the study is expected to give their views on employment policies, migration, and citizenship in Indonesia.

The production of this book was only made possible by the support of many people to whom the Research Center for Regional Resources is greatly indebted. Firstly, I would like to express my gratitude to Pieter Romijn, Senior Researcher of *Instituut voor Oorlogs Documentatie* (NIOD) in Amsterdam for always being our counterpart that make this research possible. We also want to thank Koninklijk Instituut voor Taal Land-en Volkenkunde, Royal Netherlands Institute of South East Asian and Caribbean Studies library (KITLV) in Leiden. Our acknowledgements also go to all

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the informants who had given us valuable information and insight for this topic. Also thanks to the Indonesian association such as IMWU (Indonesia Migrant Workers Union) in the Netherlands, and to Indonesian Embassy as well. Thank you also to our informant such as Yasmine Soraya, Noorhayati, Slamet Heri, Sri Maryati, Andang and Mahmud. Thank you also to our colleague Ahmad Helmy Fuady, Prima Nurahmi and Cahyo Pamungkas who are still studying in the Netherlands for their valuable help to bring this project to fruition.

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PROLOGUE

This book discusses the problematic of undocumented and unskilled Indonesian workers in the Netherlands. Situated within the dynamics of migration and citizenship policies, the issue reaches a wide variety of aspects: law, politics, human rights movements, and social movement. It is explained that the term of undocumented and unskilled is a contentious concept.

There is no data on precise number of undocumented Indonesian workers in the Netherlands. Indonesian embassy in Den Haag estimates about 3000 million as well as some labor activist approximation. They entered Holland legally, but extend their stay without reporting the document to the government. At the same time, the campaign to illegalize workers in the Netherlands rise associated with increased anti-immigrant politics

The book consists of three chapters. The first explains migration and labor policies in Indonesia and the Netherlands. It is described that the policy is not only about legal but also related to socio-political dynamics. In addition, this issue also linked to regional and global dynamics. The second describe the social and political narrative of some Indonesian workers in the Netherlands. The third is conclusion and theoretical reflections on the overall findings of the study.

The data is collected from some interview with Indonesian workers in in Amsterdam, Leiden, and Utrecht, beside of observation and literature review of relevant study.

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CHAPTER I
EXPLORING UNSKILLED AND UNDOCUMENTED IMMIGRANT WORKERS

Amin Mudzakkir

A. INTRODUCTION

This book is a continuation publication of research activities of PSDR-LIPI (in 2010) on International Migration: "Competitiveness and Employment Prospects Indonesians in the Netherlands". While previous studies assess skilled workers using the example of nursing personnel and IT (Information Technology) staff, the present study focuses on unskilled and undocumented workers. Although these are both under migrant worker status, the presence of unskilled workers is often overlooked though it is still needed. In general, the labor market is increasingly more competitive and skilled workers are considered more as a burden rather than as a potential by mainstream perspectives. In Western European countries, including Holland, unskilled workers are seen as a burden for the welfare system and social security rather than contributing to the economy.

Globalization and regionalization are increasingly intensive in recent years and the interests of unskilled workers are not accommodated. In Europe, this is reflected not only in the policy of the European Union (EU) but also in the policies of individual member states. If skilled workers are facilitated in such a way, then

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unskilled workers survive outside of the existing modes of governance. An example of this is found in the EU scheme policy plan on legal migration which was recently launched by the European Commission. At this point we enter the discourse of human rights which has been a concern of social movements, including the labor movement, on a global scale. Until now, though constantly championed by civil societies of Europe, all EU members, including the Netherlands, have not ratified the General Assembly resolution 45/158 of 18 December 1990 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN CMW, 1990).

Indonesia is one of the largest migrant-sending countries in Asia. Most of them work in Malaysia and Saudi Arabia. The number of those working in Europe through official channels is very small. Based on data from the Ministry of Manpower and Transmigration, the number of Indonesian workers sent to Europe in 2003–2008 is averaged 50 people per year, most of whom worked in the Netherlands. Based on our observations, the number of Indonesian immigrants who worked in the Netherlands is quite large, but they are not well documented. Regarding the more detailed categories, such as the type of work given to Indonesian immigrants, the Embassy in The Hague has no data at all. According to them, the problem lies in the lack of willingness of the workers to report to their office, so only through their legal instruments workers can be identified.

Departing from these facts, more difficult conditions of migrant workers are undocumented. In the receiving country, they are in a very vulnerable position; their status in the eyes of the law is illegal, so the government tends to call them illegal immigrants and, to a certain extent, equated them with criminals. If they are caught by immigration authorities or police, the immigrants could be deported at any time. This of course relates to the political development of Europe in recent years, which tends to

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be conservative. Anti-immigrant and strangers became one of the themes promoted by politicians from the ultra-nationalist parties. In recent years of the general elections within the Netherlands, their campaign turned out to have a significant voice.

In the case of Indonesian workers in the Netherlands, the phenomenon of change in the status of unskilled workers to undocumented immigrants is quite large because so far there has been no agreement on labor migration between the Government of Indonesia and the Netherlands. Generally they arrive in the Netherlands legally with the help of private agencies or depart on individual basis, either by a tourist visa or short visit visa. Furthermore, because they do not have permission to live and work within the country, they eventually become undocumented immigrants. These cases of undocumented migrant workers from Indonesia have appeared in the Dutch media. They are definitely subject to fines and those who are caught can be arrested and deported by immigration. In such cases, the Indonesian government, through their representatives in The Hague, works too slowly to protect them.

The presence of trade unions is an important turning point in the discussion of unskilled workers and undocumented immigrants. An organization called Indonesian Migrant Workers Union (IMWU) in the Netherlands was founded by a number of workers and activists in Amsterdam on January 2, 2011. This organization seeks to assist Indonesian workers, especially undocumented workers. Through its programs, this organization disseminates practical information to the Indonesian workers so that they are aware of the obligations and rights within the Dutch labor law and immigration. Through this process, we will see how IMWU has built solidarity with the local union (the Netherlands) and other migrant workers. This is of course interesting because it contrasts with the findings of Vedi R. Hadiz (2005) who states that the "lack of solidarity between trade unions in the case of Southeast Asia is the biggest

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obstacle among migrant workers in the face of political economic structures that marginalize them".

Unskilled workers are not only crucial subjects in migration in Indonesia but also in other Asian countries. They are an integral part of migration flowing within the Asian region countries themselves and among Asian countries, as well as countries in other regions. The biggest demand for migrant workers in Asian countries comes from Middle Eastern countries, as well as Hong Kong, Japan, South Korea, Taiwan, and Singapore (Theresa Wong et al., 2003: 21). Since 1993, Malaysia is categorized as a receiving country, whereas before it was known as a sending country (Aris Ananta and Chotib, 2002: 86). Here we see that the category of sending and receiving countries is linked to the economic development of the countries. Southeast Asia and Indian sub-continent, or South Asia, is the region that send migrant workers. In addition to working in Asian countries, many workers from this region have migrated to the United States, Europe, and Australia. Asian labor migration to Europe is influenced by certain psychological aspects, such as the existence of the colonial relationship in the past. People from the Indian subcontinent or South Asia usually migrate to Britain, while the Indonesian people tend to migrate to the Netherlands (Pflegerl, 2003).

Regarding the Netherlands, previous research conducted by the PSDR-LIPI (in 2005, 2006, and 2007) demonstrated the importance of the position of the Netherlands as one of the countries receiving migrant workers. A fairly open immigration policy, with the approach to multiculturalism as a base for integration, has attracted hundreds of thousands of foreigners to work and live there. However, the model is continually-evolving-policy following the political configuration at the domestic level as well as regional and global levels. Critics of multiculturalism claims increased in recent years, a condition which could affect the future of immigrants (Bruinessen, 2010)

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This book explains about "The Mobility of Unskilled and Undocumented Migrant: Indonesian Workers in The Netherlands". At the academic level the study is expected to fill the shortage, while at the practical level the study is expected to give their views on employment policies, migration, and citizenship in Indonesia. The book consists of five chapters. The first chapter is an introduction that provides background, problem, and literature review. In this chapter the significance of the study is presented in the middle of the weakness of scholarship on the Indonesian people in the Netherlands.

The second chapter shows the complexity of issues of the Indonesian migrant workers in the Netherlands. At the legal level, they are facing increasingly restrictive immigration policies. It deals with the conservative political constellation. Migrant workers who are classified as unskilled labors are being threatened by the proposal of illegalization to their presence. This chapter also presented the historical relations between Indonesia and the Netherlands in the past. Although less relevant in present context, this factor politically can be cultivated to increase the bargaining power of the Indonesian workers position in the Netherlands. At the end, this chapter presents three stories of workers who seek to pursue dream in the Netherlands.

The third chapter still shows the stories of Indonesian workers in the Netherlands. In this chapter three narratives of women who try to overcome the obstacles well as undocumented workers and as women are shown. Here is shown the construction of gender identity as an important factor in the dynamics of employment and migration. The fourth chapter discusses the migration and labor policies in Indonesia and the Netherlands more specifically. It is shown that the policy is not only about legal but also related to socio-political dynamics. In addition, this issue also linked to regional and global dynamics. The fifth chapter is conclusion which contains theoretical reflections on the overall findings of this study

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as described in the following chapters. At the practical level, this final chapter also submits recommendations to the Indonesian government on the issues examined in this study.

B. UNDOCUMENTED PROBLEMS AND OPPORTUNITIES IN THE NETHERLANDS

Based on the above description, we see the complexity of unskilled workers. Of all the aspects related to migration, social practice of politics is the foundation of which to place these issues within a framework of disciplinary research. Migration is not simply the means by which unskilled workers seek higher wages, but also provides opportunities for those who want a better life. In the words of Brettel (2000: 201), migration is "a social process whereby migrants operate in social fields that transgress geographic, political, and cultural borders". Therefore, the discussion of labor migration is the point of tangency for many important issues such as labor law, human rights movements, gender, politics, citizenship, multiculturalism, and so on. Therefore, academically, migration is a discipline that crosses borders (Brettell and Hollifield, 2000).

Before going further, it is necessary to clarify the definition of unskilled workers used in this study. However, so far there is no universally accepted definition, because this is certainly related to the policy of each country. What is understood in Indonesia as an unskilled worker may not be applicable in the Netherlands or vice versa. In addition, the policy in each country concerning unskilled workers could be subjected to change. The implication of this is the understanding of unskilled workers employed in this study must also be viewed as a political construction that must first be traced in context. In such methodological awareness, it is interesting to examine the understanding of unskilled workers released by the IOM (International Organization for Migration) in 2008, which was later adopted by the European Commission (in 2010). Their understanding of unskilled workers is the following:

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Table. 1.1 Types of illegality

Entry	Residence	Employment	Example
A Illegal	Illegal	Illegal/-	Illegal Immigrants, eiter working or not economically active
B Illegal	Illegal	Quasi-legal1	Illegal Immigrants, legally employed (Mainly the case before 1991)
C Illegal/ Legal	Legal	Legal	Illegal Immigrants, illegally employed (i.e. asylum seekers or students who work without a permit)
D Illegal	Legal	Illegal/-	Visa over-stayers, illegally employed or not economically active
E-	Illegal	Illegal/-	Child of illegal parents, born in the Netherlands, either working or not economically active

Source: Van der Leun, 2003: 19

Note: Although an Immigrant who has a social-fiscal number can pay taxes and premiums, employment is still technically illegal, because he or she does not have a working permit. These permits have to be applied by the employer before the immigrant enters the country.

> "... In broad terms, a semi-skilled worker is considered to be a person who requires a degree of training of familiarization with the job before being able to operate at maximum/ optimum efficiency, although this training is not of the length or intensity required for designation of a skilled (or craft) worker, being measured in weeks or months rather than years, nor is it normally at tertiary level. Many so-called "manual workers" (e.g. production, construction workers) should therefore be classified as semi-skilled. A less or low-skilled worker, on the other hand, is considered to be a person who has received less training than a semi-skilled worker or, having not received any training, still has acquired his or her competence in the job".

In addition, the term 'illegal immigrant' in the Dutch context should also be clarified. It is important to know because in reality most unskilled workers from Indonesia have an undocumented status. In the Netherlands, there are at least four types of illegal immigrants (van der Leun, 2003: 19). Of the four types, the workers

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from Indonesia are generally categorized into type D and a fraction in type C. However, this study will only examine the workers under these schemes who are categorized into type D. They generally enter legally, but do not have permission to live and work. Based on these notions, this book will explore about the social construction and policies of political, economic, and labor of unskilled immigrants and undocumented workers in the Netherlands and who are the Indonesian skilled workers in the Netherlands.

C. LITERATURE OVERVIEW

Academically, the existence of Indonesian migrant workers in the Netherlands both skilled and unskilled is a *terra incognita*. Our knowledge of their existence is very limited, if not to say none at all. So far the discussion of Indonesians among the Dutch post-1945 immigrants is usually associated with the Mollucan people, the political exiles, or the people of Indies descent. This study clearly did not intend to explore these three circles. Indonesian workers in the Netherlands are a contemporary phenomenon. They were there since the 1970's with the number is expected to increase from year to year. So far no official data is available that can be relied upon to give an exact amount.

Therefore, the study of Indonesian migrant workers in the Netherlands is still trivial. Attention to the existence of Indonesians overseas is a topic that is less developed in Indonesia among social Indonesian scientists and foreign scientists. The biggest interest among the 'Indonesianists' is still on Indonesian in Indonesia. This fact has been a concern of Ignas Kleden (1988) for a long time, and again recently by Winarto and Pirous (2008). Meanwhile, Vedi Hadiz (2005) showed a lack of comparative dimensions, specifically historical and structural, in the works of social sciences in Indonesia. Of course he described many explanations on why it happened, but gave very broad implications.

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The presence of Asian workers, including Indonesians, in European countries is not only to relate to economic issues but also to cultural ones. In this context, entanglement between gender and cultural identities in particular play a role in the preference of Asian women working in the European market. A study conducted by Theresa Wong and her colleagues (2003) on this topic shows that most Asian workers in Europe are women. Market demand for women workers, especially unskilled workers, is greater than male workers. The users of their services in Europe argue that Asian women are very capable in the field of nursing services and certain other service sectors. Such perceived economic aspects of culture are a common phenomenon, which attribute to the problem of migration of workers.

The work of Harry A. Poeze (2008) is probably the only work that addresses the widespread presence of Indonesian in the Netherlands. However, this limits the scope of historical studies until 1950. From that period until now, the presence of Indonesian in the Netherlands is hardly documented in academic works. To cover this large gap, there is a study conducted by Yulia Irma Patoppang (2009) on Indonesian communities in the Netherlands, 1950–2000. One of the communities, which is portrayed by Patoppang is Indonesian nurses who have worked in the Netherlands since the 1970s. Research conducted by the PSDR-LIPI (in 2010) on skilled Indonesian migrant workers in the Netherlands actually complement to the Patoppang's study.

As mentioned above, the Indonesian people mentioned are different from the Moluccas. Although Maluku is now part of Indonesia, the Moluccas are now living in the Netherlands as Dutch East Indies citizens or descendants who migrated there in the 1950s because they did not agree with Indonesian nationalism. In the literature of migration, they are usually categorized as post-colonial immigrants with the status of Suriname in the Netherlands. Studies

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of the Moluccan's in the Netherlands are abundant, including studies conducted by Kotarumalos (2009) and Gusnelly (2008).

Interestingly, these studies did not include the Indonesian exiles in the Netherlands, which are huge in numbers, and this will be a topic of research PSDR-LIPI in 2013. Review of Indonesian and Malaysian Affairs (Vol. 44, No.1/2010) contains some interesting articles on this topic. An introduction written by David T. Hill and Anna Dragojlovic (2010) illustrates how the narrative of the exile is almost overlooked, especially in Indonesia's official historiography. Those in exile are regarded as morally unclean and to be avoided, so much so that under Suharto their citizenship status was revoked.

Meanwhile, the study of migration itself in the initial period was much influenced by the paradigm of modernization. Generally, studies with modernization paradigm focused to analyze the micro level of individuals, and concepts such as 'motivation' and 'adaptation' often appear. Later, the concepts, which base themselves on the view that culture is assumed to be bound within the limits of certain territories, are sharply criticized. Arjun Appadurai (1997) shows how the creation of disjuncture and difference in the global cultural economy is a condition that forces the observer to no longer trust the individual or collective identity on the bounded site. An Indonesian anthropologist, Irwan Abdullah (2002: 13), argues that "the study of adaptation, for example, is irrelevant to some extent because the concept of adaptation contains excessive assumptions about the difference of one room to another room; a space which has been considered not compatible with another space and so require adjustments, which lead to the displacement of the population assessed and always lead to shock (stress)". In a setting of globalization, the immigrants understand "home and host society" as "a single arena of social action" (Margolis in Brettel, 2000: 104).

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CHAPTER II
THE POLICY ON UNDOCUMENTED MIGRANTS IN THE NETHERLANDS

Nur Aisyah Kotarumalos

A. INTRODUCTION

Contemporary labor migration in the Netherlands reflects the greater demand of skilled labor especially in sectors of information technology, health, education, etc in an attempt to overcome shortages in the labor market (McLaughlan & Salt, 2002). In addition, the Dutch government has eased its immigration policy for high-skilled migrants (Tim Peneliti: 2010). On the other hand, The Netherlands is one of the most favorite countries for undocumented migrants, but has restrict more border areas such as airports and train stations. There should be no room for undocumented migrants in the Dutch labor market (van der Leun & Kloosterman, 2006: 62).

Today, the total number of undocumented workers is unknown. Many research reports about migrants in the Netherlands only estimates their number (see Table 2.1). The Dutch government does not know the migrants' origins and relies solely on police data to know about the nationalities of irregular residents in the Netherlands, namely through irregular migrants' arrests. The data

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from the police differentiate between Europeans and non-European irregular migrants. Based on police records between 1 April 2005 and 1 April 2006, it is shown that the Romanians and Bulgarians are the main irregular migrants of the European category in the Netherlands (van der Leun & Ilies, 2008: 8). However since those two countries became members of the European Union in 2007, this is no longer the case. They are now 'circular migrants', travelling to the Netherlands where there are jobs to do and returning home when they finish their contract. From the non-European groups, the irregular migrants are from Turkey, Northern Africa and other African countries, Suriname, Asia (including the Middle East) and America. Unfortunately, there is no further information about precise countries of origin (van der Leun & Ilies, 2008: 8).

Other studies (Engbersen et al.: 2002) indicate that China is the main origin of undocumented migrants among the Asia group in the Netherlands, while Morocco is for Northern Africa. Based on reports regarding the medical condition of undocumented migrants in the Netherlands, the main nationalities of patients come from Morocco, Turkey, countries in sub-Saharan Africa, and to a lesser extent, from the Middle and Far East, Eastern Europe and the former Soviet Republics (EMN: 2007). It can be concluded that the main irregular migrants are from Turkey, Morocco and China (van der Leun & Ilies, 2008: 7).

Generally, undocumented migrants work in the horticulture and agrarian sectors (van der Leun and Kloosterman: 2006 cited in van der Leun & Illies, 2008: 32). Based on van der Leun and Kloosterman's research in 2000 and 2001, the main sectors where the undocumented migrants work are within business services (such as hotels, restaurants and cafés), personal services and agriculture. They interviewed 156 undocumented migrants from eight countries: China, Iran, Morocco, Somalia, Sri Lanka, Turkey, former Yugoslavia and the former Soviet Union.

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Table 2.1 Estimates undocumented workers

Year	Number of undocumented workers	Source
1999	128,000	Visser and van Zevenbergen (2001)
2003	80,000 (60,000 to 100,000)	Zuidam and Grijpstra (2004)
2004	66,750 to 89,000	Mosselman and van Rijn (2007)
2006	80,000 (60,000 to 97,000)	Dijkema et. al (2006)

Source: van der Leun & Ilies,2008: 21

Tabel 2.2 Undocumented Migrants who are arrested by the Police 2005–2006 based on Nationality

Nationality	Absolut Number	%outside Europe/ undocumented migrants non- Europe	% out of undocumented migrants
Europe			
Bulgaria	1,013	38	12
Romania	446	17	5
Other	1,235	46	15
Total Europe	2,694	100	32
Non Europe			
Turkey	799	14	9
North Africa	816	14	10
Other Africa	1,450	25	17
Suriname	120	2	1
Asia	1,980	34	23
America	338	6	4
Unknown	292	5	3
Total non-Europe	5,795	100	68
Total	8,489		100

Source: van der Leun & Illies, 2008: 30

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Table 2.3 The sector distribution where the undocumented migrants work based on respondents 2000–2001

Sector	Absolute figures employees	Distribution rate
Service business (hotel, restaurant and café)	25	22%
Personal service (baby sitter, house cleaners and odd-jobbers)	25	22%
Horticulture	16	14%
Retail and trade	15	13%
Cleaning	14	12%
Construction	14	12%
Harbor and transport	4	3%
Drugs and prostitution	2	2%
Total	100	100%

Source: van der Leun and Kloosterman (2006) cited in van der Leun & Illies, 2008: 33

Moreover, undocumented workers regularly are jobless as they are in and out of employment. The research shows that since 1991, finding jobs was never easy as they were not able to obtain a social-fiscal number anymore (Engbersen & Van der Leun, 2001: 64). Also, they do not specialize in one type of job, but work from one sector to another without being able to climb the socio-economic ladder. They work in the unskilled jobs, which require little or no training such as cleaning, fruit picking and newspaper delivery. Their employers have smaller firms but in well-known sectors such as the cleaning industry, market gardening and to a lesser extent, the manufacturing industry and construction. Unfortunately, not all undocumented workers are paid. Generally, undocumented migrants rely heavily on immigrant channels to find jobs. (Engbersen & van der Leun, 2001: 65). The opportunities to get jobs are largely determined by how far they can access the social networks that generate enough trust.

This chapter attempts to look at the policies of undocumented migrants in the Netherlands as well as the implementation of those

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policies. Although many policies have been introduced and implemented, undocumented migrants are still present in the Netherlands and indirectly contribute to the Dutch economy.

B. THE DEFINITION OF UNDOCUMENTED MIGRANTS

Undocumented migrants are not a new phenomenon in the Netherlands (Engbersen & van der Leun, 2001: 54). Actually, they have been arriving in the Netherlands since the 1960s particularly through the "quest workers policy". At the time, the Dutch government tolerated foreign laborers who came to the Netherlands without any agency recruitment help. The situation of undocumented workers in the 1960s and 1970s was much better as they were welcomed as eager and undemanding workers (van der Leun & Ilies, 2008: 16). The Dutch government welcomed the labor migrants primarily from the Mediterranean region to fulfill the demand of low-skilled jobs with the expansion of the Dutch economy. The undocumented migrants could travel to the Netherlands without any help from recruitment agencies and found their jobs in the mining, shipbuilding, metal or textile industries (Engbersen & van der Leun, 2001: 54). After they got jobs, they could obtain a work permit and thus, could stay in the Netherlands legally.

Starting in the 1980s when the labor market worsened, the immigration policies became stricter in regulating the illegal labor although the Dutch government was still tolerant towards the undocumented workers. The Dutch developed new legislation in respect to immigrants. However, it was still quite easy for the illegal laborers to obtain a social-fiscal number and find jobs in certain sectors. In the beginning of the 1990s, the enforcement of immigration laws was taken seriously in order to combat undocumented labor such as the Compulsory Identification Act of 1994, the Marriages of Convenience Act of 1994, the linking of the social-fiscal

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number to a valid residence status and the Linking Act of 1998 (Engbersen & van der Leun, 2001: 54–55). The undocumented migrant was perceived as a debatable issue in the Netherlands. These stricter immigration policies, particularly towards undocumented workers, did not necessarily erase the structural demand of illegal labor in the Netherlands (van der Leun & Ilies, 2008: 16). Undocumented workers are positioned at the intersection between a stricter regime and a steady, and maybe even a growing, demand of their services. The undocumented workers have been welcomed as 'spontaneous guest laborers' who later became tolerated as the 'necessary workforce', and are now excluded as undesired 'illegal immigrants' (Engbersen & van der Leun, 2001: 55). From the 1990s until now, the undocumented workers are identified as a threat to the economy, as they disrupt the labor market, and to the society, as they are more likely to be criminals.

The stricter policies toward undocumented migrants are responded by two developments (Engbersen & van der Leun, 2001: 55). Firstly, since the end of the 1980s, there has been an increase of asylum seekers coming to the Netherlands that has led to the debates about the 'Netherlands being full', also in addition to the illegal stay of asylum seekers who have exhausted all legal remedies. Secondly, the shifted policy from lenient to stricter has caused the unemployed citizens to no longer wish to do certain jobs which were more common in the 1980s.

The case of undocumented migrants is actually not a main topic in the Dutch immigration debate (Focus, 2007). Only in some periods are undocumented migrants covered by the media. For example, there was coverage in 1992 when a plane hit two high-rise buildings in Amsterdam-Bijmermeer where there were a large number of undocumented migrants living from Ghana. The Dutch authorities could not exactly determine how many people became victims. Then in the late 1990s, undocumented migrants became a debatable issue. Many undocumented migrants at the

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time were called 'white illegals' (*witte illegalen*), which were people who were living in the Netherlands illegally but were employed and paid taxes. Several hundreds of 'white illegals' were later granted residence permits, but the introduction of the Linking Act (*koppelingswet*) restricted the undocumented migrants to obtain regular employment. The implementation of the act caused the undocumented migrants to be excluded from public services as well as being issued a social security number (a prerequisite for regular employment, social security benefits and subsidised housing). Exemptions existed only for children under 18 years old, who were able to access education, and people with 'imperative' medical needs for access to treatment.

The Dutch government refers to the undocumented migrants as *illegalen* (irregular) or *illegale vreemdelingen* (irregular foreigners). The primary definition of illegal migrants in the Netherlands relates to entry conditions, issues of overstaying and the expiration of residence permits, all of which are connected to an illegal employment basis. The Netherlands has defined illegal residency as follows: 'The presence in the Netherlands of foreign nationals who are not in possession of a valid residence permit and are therefore obliged to leave the country' (EMN, 2007: 11). Some types of irregular migration in the Netherlands are (Kromhout et al, 2008 cited in van der Leun & Ilies, 2008: 7):

1. Migrant workers who came to the Netherlands independently
2. Migrant workers and chain migrants who came to the Netherlands with the support of their family members in the Netherlands.
3. Migrants who came to the Netherlands to seek asylum or to work with the help of human traffickers.
4. Migrants who cross the border as a victim of cross border human trafficking or with the help of human smuggler without making the use of asylum procedures

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C. THE POLICY ON UNDOCUMENTED MIGRANTS

The most significant legislative change in policy for irregular migrants is the obligation to carry proof of identity as of January 2005 and supported by the Aliens Act of 2000, the Koppelingswet (Linkage Act or Linking Act) of 1998, and the implementation of the EU Directive 2001/51/EC relating to the liability of carriers (EMN: 2007 cited in van der Leun & Ilies: 2008, p. 9). Some measures of the legislation are also established by the *Terugkeernota* (Ministry of Justice, Policy document on Return of Allies, 2003) and *Illegalennota* (Ministry of Justice, Policy document on Illegal Alliens, 2004). The Terugkeernota regulate the increase of detention capacity for irregular migrants and also with irregular residents by a forced return, while the *Illegalennota* gives more capacities to the police to supervise irregular migrants (van Liempt, 2007 cited in van der Leun & Ilies, 2008: 9).

The notion of irregular migrants in the Netherlands has been shifted from that of 'illegal stay' to 'unlawful stay'. Unlawful stay includes the so-called 'tolerated migrants' which refers to migrants who cannot leave the country because of technical reasons (such as health issues). The Linkage Act also extends the definition of illegal residence by applying illegality to a broader range of immigrants and also forbids them to have access to social facilities. This happened to one of the interviewed Indonesian undocumented migrants:

> 'By 2009, I had gotten sick. I was diagnosed with a rare heart malfunction. I was treated for three months at home and then spent a month in hospital. It turns out that my heart functions only 8 per cent of what it should, and eventually the doctors decided to fit me with a pacemaker. With this, I couldn't fly home. So the doctors and lawyers helped me get a residence permit. I didn't have to pay any of my health care costs, thanks to my doctors, the [government] health care insurance and donations from friends. I am truly grateful. Now I pay into the social insurance system in Holland and I work as a volunteer organizer with the Euro Muslim Amsterdam foundation. In some ways, my illness was a blessing. Although I am an un-

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documented migrant, I was able to access the Dutch health care system' (interview with Slamet cited in The Jakarta Globe online: 06/08/11).

The Dutch government applied a comprehensive 'discouragement policy' towards illegal residents by using three channels. *First*, the government blocks access to the labor market which gives higher sanctions to employers who hire undocumented migrants. In addition, it is more difficult for the irregular migrants of third country nations to enter formal labor as the government requires superfluous 'protective' documents (Engbersen, van der Leun, de Boom, 2007, cited in van der Leun & Illies, 2008: 12). Before the Linkage Act of 1998, undocumented migrants were still able to get social security number as they were allowed to register in the population registry without checking their status. By using the fiscal number, they were able to enter formal work. These people were known as 'white illegals', migrants who lived and worked illegally but paid taxes and social security contributions (van der Leun: 2003 cited in van der Leun & Ilies, 2008: 12). After the Linkage Act of 1998 was applied, this policy was no longer the case.

Second, the Dutch government bans the access of public services and welfare state provisions for irregular migrants. This is controlled by the officers and professionals who work in the public service sector such as health institutions, schools and housing agencies. Thus, data from these agencies is verified to the immigration service registration files, census bureau, fiscal identification agency data, social security and social assistance information in order to have the validity of immigrants' residence and work status. *Third*, the term 'Linking' Act is emphasized (Engbersen, 2007 cited in van der Leun & Ilies, 2008: 12). The basic idea is that a foreigner without a residence permit is not categorized as living in the Netherlands. Thus, they are excluded from every provision in the Netherlands.

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The impact of the Linking Act is that undocumented workers are pushed further underground and has become less transparent based on van der Leun's and Klossterman's study (2006: 64). More or less, jobs that are provided by the *authochotonous* (Dutch origins) employers are increasingly replaced by flexible arrangements using an intermediary or subcontractor who usually comes from an immigrant background. Immigrant channels become very important as they give information about jobs while the *authochotonous* employers seem to find the loopholes to outsource illegal migrants (e.g. using shady agencies that manipulate the nature of illegal migrants). For example, they provide false documents, or register a legal worker but send an undocumented worker instead. Based on a new social security inspectorate (SIOD) in 2002, it is concluded that criminal organizations were involved in employing or recruiting undocumented workers. However, their contribution has not been considered by the government (van der Leun & Kloosterman, 2006: 64).

The increasing control and enforcement has led to the change of the composition of undocumented workers (van der Leun & Kloosterman, 2006: 67). Undocumented migrants nowadays come from various countries and there are more that come out of asylum procedures. Van der Leun and Kloosterman (2006: 67) also observe that newer groups of undocumented migrants are more likely to be vulnerable to the formal policy changes as their ethnic bonding is not strong. For example, the Turkish and Chinese immigrants are able to find jobs easily within their own communities, while the Somalis and Sri Lankans find it more difficult to enter the labor market because their ethnic embeddedness is weaker. Undocumented workers are also more often to get jobs indirectly, and as a result they rely more on the intermediaries and cannot negotiate directly with employers (van der Leun & Kloosterman, 2006: 67). The intermediaries often take the profits from the workers or even refuse to pay. By using intermediaries, undocumented workers are likely more vulnerable to be exploited.

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D. THE IMPLEMENTATION PRACTICES OF THE POLICIES

The Dutch government has restricted the access of undocumented migrants to formal labor (such as the Identification Act, the linking of social-fiscal number to a valid residence status etc.), but in reality the undocumented migrants still have the opportunities to access education, housing and healthcare (Engbersen & van der Leun, 2001: 66). According to Engbersen & van der Leun (2001: 66), this situation happened in most western European countries and argue that this is partly due to the fact that professionals who worked in the fields of education, housing and healthcare are reluctant to exclude the undocumented migrants from all social support. The professionals consider the pragmatism and take humane action towards the undocumented migrants. This attitude is also shared among the police that find there are often many immigrants who do not commit any crimes. Another reason is because undocumented migrants in the Netherlands are still tolerated *as de facto*.

These aspects reflect the core values of European Union policy. According to Isabel de La Mata, Directorate General for Health and Consumers of European Commission, all European Union policies and activities should be based on the best protection of health, just as the Lisbon treaty (PICUM, 2010: 7). She states that all people who live in the Netherlands should benefit from health care regardless of where they come from or whether they are considered undocumented migrants.

Based on the Lisbon Treaty, a high quality and protection of health should be the core of all European Union's policies. Article 35 of the EU Charter of Fundamental Rights states that everyone should have the right of preventive care as well as the right to benefit of treatment based on conditions written in the national legislation. Isabel de La Mata emphasized that this right is applied to all people regardless of their legal status. She explains further that the human rights law is also incorporated in EU law which

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endorses the rights of all people regardless of their legal status. Even more, there is a moral and legal obligation for children to be able to access those cares (PICUM, 2010: 5). Also, in the case of undocumented pregnant women who are not able to pay their bills, the midwives or hospital will get a 100% compensation for the unpaid bill. In addition, children who are less than 5 years old will get free vaccinations, basic medical care and prevention. Regular health care such as general practitioners, pharmacies and hospitals is open and free to children under 18 years old. They will have the same right as citizens, even if their parents cannot pay the bills, and the health professional or institution can be reimbursed up to 80%–90% for the unpaid bill (PICUM, 2010).

The gap between the policy and the implementation can be seen from the local authority who is unwilling to implement the national policy (van der Leun & Illies, 2008: 12). Many researches have shown that after the implementation of the Linking Act, the national government and the local authority's interests often do not coincide. Many local authorities or police officers consider that the presence of undocumented migrants is 'a fact of life' while the national government views the undocumented migrants as illegals. Several municipalities refused to build detention centers in their territories for former asylum seekers. Even more, the idea to return the undocumented migrants to their home countries (as national policy) is seen as something unrealistic. Unlike other European countries, the illegal residents in the Netherlands cannot be punished, although this has been debated frequently. The reason for this is because the penalization of the undocumented migrants will prolong the undocumented migrants to stay in the Netherlands (van der Leun & Illies, 2008: 13).

However based on the Aliens Act of 2000, many undocumented migrants are detained on a yearly basis and expelled to their home countries (although they do not commit any crimes). Currently, there are nine deportation centers for undocumented

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migrants and failed asylum seekers with the total capacity at 3,000 people. This marks the significant increase from the total capacity of only 45 people in 1980 to more than 500 times today. Together with the United Kingdom, the Netherlands is the only country in the European Union that has no maximum period to detain migrants provided by the law.

Based on the number of undocumented migrants that are detained in the detention centers, most of them never committed any crime and only a few committed small offences (van Kalmthout, 2007 cited from van der Leun & Illies, 2008: 13). Undocumented migrants from specific countries were over represented particularly in the criminal activities which were recorded in the police data (Engbersen and van der Leun, 2001: 59). For example, Turkish and Eastern European migrants are mainly detained due to illegal residence and bad behavior, while Moroccans, Algerians and other Eastern Europeans are arrested for criminal offences (theft, false documents). Western Europeans (mainly French), Moroccans and Algerians are also most frequently arrested because of drug related crimes. Turkish undocumented migrants very rarely commit registered crimes while illegal Moroccans, Algerians and Western Europeans (especially French tourists who often come to buy drugs in Rotterdam) are more likely to be involved in criminal activities. Fortunately, Indonesian undocumented migrants very rarely commit crimes. Some of them are arrested due to their illegal residence status (interview with N). Some are often checked by police and found without an appropriate residence permit, but are released shortly after. Some of them are put in jail, but after a year they are released and able to work in the informal sectors again.

The undocumented migrants who commit crimes are often implied as 'undesirable migrants'. Table 2.5 below shows there are 5,541 undocumented migrants from the third world that are stated as being 'undesirable migrants' between 1997 and 2003. It means that of those undocumented migrants who were involved

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Table 2.4 Arrests due to Criminal Offences N=30

Type of offences	(%)
Traffic offences	0.8
False papers	13.8
Disorderly conduct	3.1
Non-aggravated theft	27.7
Robbery	2.3
Ill-treatment	1.5
Intimidation	3.8
Murder, manslaughter	1.5
Opium act	22.3
Firearm act	3.1
Other act/regulations	3.1

Source: Police data 1989–1994

Tabel 2.5 Resolution to the Undocumented Migrants and (Other) Illegal Residence Termination due to the Public Disorder, Non-European Nationality (1997–2003)

	The unexpected Foreigners	The Termination of Residence Permit	Reclassification Total
1997	740	25	765
1998	711	28	739
1999	742	23	765
2000	700	48	748
2001	647	207	854
2002	896	352	1,248
2003	1,105	245	1,350
Total	5,541	928	6,469

Source: van der Leun & Illies, 2008: 39

in criminal activities, 928 lost their residence permit or had their applications rejected as they were considered a threat to the society.

Furthermore, the possibility to shift from undocumented migrants to become legal migrants is very rare and limited (van der

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Leun & Illies, 2008: 39). The Netherlands in particular does not have a track record in terms of allowing undocumented migrants to become legal migrants, although the Dutch made an exception by granting residence permits to 27,500 asylum seekers who found refuge in the Aliens Act 2000. The only way to become a legal migrant is by marrying a Dutch citizen, which was practiced by a quarter of Turkish undocumented migrants living in the Netherlands for six years or more based on Starring (2001 cited in van der Leun & Illies, 2008: 40). Unfortunately, this legalization through marriage has become more difficult.

In addition, the representative of the host country (e.g. the Indonesian Embassy in the Netherlands) has no authority to legalize undocumented migrants from the home country. Based on an interview with one of the staff in Indonesian embassy:

'The Indonesian embassy can only help the Indonesian undocumented migrants by issuing Travel Document In Lieu of Passport (Surat Perjalanan Laksana Passport). We cannot issue passports as that is not our authority. Passports can only be issued through the Immigration offices. The Indonesian embassy in the Netherlands is the Indonesian government representative in the Netherlands, and thus, our partner is the Dutch government (it is G to G). We cannot issue a passport for undocumented migrants as that means that we legalize their presence in the Netherlands and that is wrong too based on the Dutch rules as well as the European Union rules'.

Although the Indonesian undocumented migrants are illegal, Dutch society is actually more welcoming than to other undocumented migrants. Indonesian undocumented migrants are viewed as being polite, hard-working, and familiar because of historical relations and are usually not involved in criminal activities. Based on an interview with some Indonesian undocumented migrants, they feel that being 'illegal' is something that they enjoy and is a two way process. On one side, the Dutch society enjoys the benefits

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of employing the undocumented migrants by paying them less. On the other side, the undocumented migrants accept more money for their work as they do not have to pay taxes. The undocumented migrants from Indonesia are more likely to prefer being illegal as they think that going back to Indonesia is a worse choice because they cannot make money in their own country. However, to legalize themselves in the Netherlands is something almost unreal.

E. CONCLUSION

The Netherlands, although it is a small country, has a long tradition of immigration. After the Second World War, the Dutch government supported its citizens in migrating to other countries while at the same time, a great number of immigrants, especially from its colonies, came to the Netherlands. Starting from the 1960s, the Netherlands recruited low skilled migrants from Turkey and Morocco and the Dutch government welcomed undocumented migrants who came to the Netherlands to find jobs.

Today, this situation has changed completely. The Dutch government is very strict in controlling their borders as a way to prevent undocumented migrants entering from other European Union countries. However, the undocumented migrants are still present in the Netherlands and continue to contribute to the Dutch economy.

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CHAPTER III
INDONESIAN MIGRANT WORKERS IN THE NETHERLANDS: Some Descriptions

Amin Mudzakkir

A. INTRODUCTION

The terms unskilled and undocumented are categories that come from context and specific situations. These terms are not fixed categories, but have proximity. This chapter will show when and why these terms are used in the dynamics of migration and citizenship in the Netherlands. Specifically, this chapter will discuss the changing status of Indonesian workers in the Netherlands who are classified as unskilled workers and undocumented Immigrants. The relationship between unskilled and undocumented is causal; unskilled workers through development have become undocumented Immigrants. This is also vice versa, because they have the status of undocumented, but the sector that is easiest for them to enter is the sector for unskilled workers. Furthermore, the discussion in this chapter will show that the migrant worker issue relates not only to the dynamics of migration and citizenship policies, but also with the search for identity among the Dutch themselves.

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Meanwhile, as part of the European Union, the Dutch are bound by a treaty that has implications for policy at the domestic level. At a broader level, the crisis that emerged in the development of the global economy is often forced migration flows in recipient countries, like the Netherlands, to restrict the mobility of immigrants, especially unskilled workers. On the other hand, because Indonesia and the Netherlands have been involved in a long colonial relationship in the past, the issues of migrant workers are sometimes tinged with emotional nuance. Coupled with the fact that Indonesia is the world's largest Muslim country, this issue becomes more complex because it involves the popular discourse on the tense relationship between the West and Islam recently.

The number of Indonesian citizens in the Netherlands in the early 2000s was about 13,000 people (Irsan, 2003: 96). Now based on an estimate of a consular officer at the Indonesian Embassy in Den Haag their number is around 15,700.[1] Again this is of course only approximate because the reliable official data is not available. The majority of Indonesian citizens in the Netherlands are workers, but their number is not known. The number of undocumented workers is even less clear. However, an officer in The Indonesian Embassy in The Hague assessed the number of undocumented Indonesian workers in the Netherlands to be thousands. They generally live and work in big cities like Amsterdam, Den Haag, and Rotterdam. There are several conditions that cause them to become undocumented. Some experiences of Indonesian workers will be presented in this chapter as a little story recounted by me from my brief field research in the Netherlands in May 2011. Data were collected from two sources: literatures and the field work. The later is used to get secondary data and the studies that have been carried on migration in the Netherlands. Field research is conducted by doing in-depth-interview to the expert on international migration, the Dutch government, and the Indonesian migrants.

[1] Interviewed with an Indonesian Embassy Consular Staff in the Hague on May 13, 2011,

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B. MIGRATION AND ILLEGALIZATION OF IMMIGRANTS

The Netherlands is a small country in Western Europe that until the early 1980s, accepted that they were a country full of immigrants (van der Leun, 2003: 10). The government encourages their population to migrate to countries, such as Canada, while at the same time, relying upon immigrants for economic progress. This is the condition of the Dutch post-World War. After experiencing rapid economic development, the Dutch needed manpower in large numbers. The need could not be met entirely by the Dutch, especially for menial work in factories. What were needed were unskilled workers imported from Mediterranean countries, mainly from Turkey, Morocco, and Italy. They were known as guest workers, temporarily contracted in the 1950s and 1960s. Until those days, unskilled was understood as a neutral term and did not have implications on the status of a particular nationality. They were not a serious concern to the government and Dutch society. They also considered going back to their origin country after their contract expired.

However, that assumption was wrong. Although many Italian workers returned to their country, guest workers from Turkey and Morocco remained in the Netherlands. They invited family and their friends to come to the Netherlands. However, the oil crisis that hit the global economy in the early 1970s caused the Dutch economy to slow down, and migrant labor demand dropped. In addition to illegal immigrants, many refugees and asylum seekers went to the Netherlands. Their number was quite large and obviously not all applications for residence permits were granted when they had entered the Netherlands. To survive, they worked anywhere and everywhere, including worked in the domestic sector, which was the informal sector and the sector for unskilled workers at the time were.

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Domestic work requires attention on the discussion of migration in Europe. Sociologically the existence of domestic workers is an integral part of the transformation of European society. As more and more European women began working in the public sector, they could no longer fulfill the demands of domestic work. Therefore they hired foreign workers to fill vacancies within the sector. Formally these workers do not have certification to do the job. In this sense they are unskilled workers. However, the employers of domestic workers generally do not require a certificate. By using the services of undocumented workers, they spend less money than if they hired documented workers. Domestic work generally involves cleaning and working in houses. Jobs taking care of children, the elderly and disabled people were originally considered part of domestic work but are now handled by trained nurses.

Some agencies have differences in estimating the number of domestic workers in the Netherlands. The ILO calculates approximately 6,000 workers, but CNV estimates that about 1.2 million households employ domestic workers, most of which are informal (Irene and Iuf, 2005: 8). A study conducted by the FNV trade union federation in 2005 showed that domestic workers earn on average € 8.90 per hour with an average working time is 11.5 hours per week for 2.3 workers (Irene and Iuf, 2008: 78).

Since the crisis in the 1970s, the Dutch government began to restrict the mobility of immigration. Unskilled workers were needed only in limited amounts. On the other hand, skilled workers had ample opportunities, accept they had to compete hard. While facing a growing number of immigrants with diverse cultural backgrounds, the government issued the integration policy. Briefly, integration "refers to the degree to the witch and the way in the which ethnic Minorities form part of the recipient society" (Mérove Gijsberts, 2004: 4). Immigrant workers are considered as ethnic minorities and they are encouraged to adapt to Dutch culture.

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The policy was facilitated by a number of funds and certain facilities. This is an example of multiculturalism. This idea contains the principle that the state recognizes the particularity of cultural groups of migrants that cannot be integrated easily into Dutch culture. Conversely, the state should sponsored social activities of their culture. Although limited by the rules of migration which are increasingly tight, the number of immigrants in the Netherlands continues to grow. Statistics released by CBS shows the number of migrants is more and more. Most of them come from countries that are categorized as non-western. Turkey, Morocco, and Surinam are the three largest countries of origin of immigrants. Socially and politically the fact of a growing number of immigrants has led the debate in Dutch society. The right wing political parties used anti-immigrant issues as part of their campaign themes. Later, surprisingly, this campaign received a response from the Dutch electorate. This is shown by the achievement of the politician Geert Wildert.

Widespread criminality is often associated with the presence of immigrants. Crime is colored by stereotypical views, and there is an impression that the existence of immigrants affects the rate of criminality. Simultaneously, illegalizing immigrants has emerged as one of the important issues, one which is not entirely new. In the 19th century, precisely in 1849, the Netherlands issued the so-called Dutch Aliens Act. This was made to control who was categorized as a citizen and who was a non-citizen (alien). Following that, the term 'deportation' was raised. Foreigners who were judged to be problematic were deported. The illegalization concept follows closely to deportation, even though not all actions are linked to illegal problems. Illegalization of migrants is not a fixed category, but it is the result of changes in laws and regulations related to the process of differentiation and exclusion. Illegalization of migrants is associated with increased state intervention, law making, and border control. It also relates to the increasing inequality between citizens and non-citizens and immigration regulations becoming

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Table 3.1 Size and Growth of Non-Western Migrant Population Groups 1990–2020(X 1.000 in absolute figures and in percent)

	1990	2003	2020 (estimated)	increase in the percentage of the estimated 2003–2020
Turkey	+33	203	341	452
Morocco	164	295	432	+46
Suriname	224	321	375	+17
Netherlands Antilles/ Aruba	69	129	189	+47
and the non-West	+82	171	538	978
Total non-Western migrants	831	1623	2425	+49
The first generation	+30	562	1303	+30
The second generation	81	269	1122	+81
% Total population	8.3	7.9	14.1	

Source: CBS (2003a, 2003b)

more stringent to protect access to residents and citizenship (Van der Leun , 2003 39–40).

Faced with the construction of citizenship, unskilled workers face serious challenges. They are no longer needed to fill the formal employment sector. The Dutch government no longer issues work permits for those who are categorized as unskilled workers. Nevertheless, the category of unskilled is highly debatable. This category is biased because it defines whether the obtained level of education or certification is compatible with the work performed by a worker. A person who has a licensed degree in economics but works as a painter is still regarded as an unskilled worker. Thus, the term is ultimately a matter of administrative skilled, and often does not correspond with the actual ability.

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Table 3.2 Estimated Number of Illegal Immigrants as a Proportion of the Total Legal Immigrant Population in 1995, by City.

	Amsterdam	Rotterdam	The Hague	Utrech	TOTAL
Estimated number of illegal immigrants (A)	17,875	11,069	8,426	2,677	40,047
Total Legal Immigrant Population (B) *	232,236	148,322	116,202	48,392	545,152
A) As a proportion of (B)	7.7%	7.5%	7.3%	5.5%	7.3%

Source: van der Leun, Engbersen and van der Heijden, 1998, based on police data and municipal statistics (COS 1996) in van der Leun, 2003: 16

In 2007 the Dutch government set up the DTV. The main task of this new institution was to control the presence of immigrants. Together with the police, the officers frequently raid immigrants in public places. Police involvement in immigration raids has led to controversy within Dutch society. A police chief in Amsterdam argues that the main task of the police is to maintain security, rather than conduct raids against immigrants. In addition, the government also established several special prisons for illegal immigrants. This proves that the government regards illegal immigrants as a special concern. The right wing political parties and groups support this policy and they regard foreigners as a threat to the identity of the Dutch society.

The terms unskilled workers and undocumented immigrants were obviously built in a certain political construction. In addition, this issue is linked with the technological advances used by the State. In 1995, the Dutch government computerized population administration. Since then, the control of the population has increased. With solid data, police and immigration authorities can more easily track the presence of residents and non-residents living in the Netherlands. Theoretically it can be said that the presence of undocumented migrants is the result of a huge wave of migration

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which is offset by the efforts of the government to regulate it (Sassen 1999 in van der Leun, 2003: 10).

In the late 1990s, the debate on migration and integration runs into a new phase with the emergence of anti-immigrant aspirations. Ultra-right groups sponsored these aspirations. A journalist, Paul Sheefer, wrote a controversial article entitled 'Multicultural Drama' which contains a critique of multiculturalism. This article criticizes that multiculturalism has failed to integrate immigrants into Dutch society. Instead, multiculturalism is regarded as increasing the distance between foreigners and native Dutch. Foreigners live amongst their own groups which build on common culture or religion, as well as sharing the status of immigrant. Turks and Moroccans, for example, developed traditions and relationships through religious and ethnic-based organizations. However, these organizations were more often associated with politics and other such groups in their country of origin than with Dutch society. Consequently, there is no good contact between native Dutch and immigrants. Each lives in the walls of his and her identity. In this respect, multiculturalism fails to achieve its objectives.

In the last decade, the Dutch public's perception of the existence of immigrants has changed radically. Especially following the tragedy of 9/11, there is a presumption that there is a relationship between migration and security (Koser, 2007: 11). In the past, immigrants were categorized by their social class and ethnicity. Now they are also categorized based on religion. In Dutch society, the change is reflected in the appearance of the new Dutch heroes. The death of Pim Fortuyn on May 6, 2002 by an animal advocate and environmental activist evoked a strange sort of sense of nationhood. Resurrection was strengthened in 2004 by the deaths of singer Andre Hazes, who died of excessive drinking, and filmmaker Theo van Gogh who was murdered by a young Muslim Moroccan. This cemetery containing those three has been visited by thousands of people remembering them as heroes. Their deaths are celebrated

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as the deaths of three saints. This example depicts the search for identity within the new Dutch society. But as far as we see in the examples given by Bruinessen, we can assess that the changes in Dutch society tend to be conservative.

Indonesians in the Netherlands have unique characteristics. Although derived from the former Dutch colony, they are difficult to categorize as postcolonial immigrants. They are also different from the 'guest worker' immigrants. In addition, although most are Muslims, their religious character differs from the Muslim immigrants who derive from Turkey and Morocco. Indonesian people are hardly ever the subject of public discussion in the Netherlands on the issue of migration and integration. Ratna Saptari (interview, May 22, 201) considered that this was the result of the submissive nature of Indonesian people. They came to the Netherlands just for the money, not to stay or to make complex diasporas of communities, and they were rarely heard to be involved in criminal cases. In general, the Dutch view Indonesians as having a tolerant attitude and religious character, though an Indonesian mosque in Amsterdam is usually supervised by the police.

C. INDONESIA AND THE NETHERLANDS RELATIONS

Indonesian undocumented workers in the Netherlands is a contemporary issue, but the relationship between Indonesia and the Dutch from their colonial past still plays a role in the relationship between Indonesia and the Netherlands in the present. Unlike the other former Dutch colonies, such as Suriname, which passed during the colonial and postcolonial periods relatively smoothly, relation between Indonesia and the Netherlands was colored with tension after Independence. Indonesia has a history of harsh and bloody nationalism, thus forcing the majority population of the Netherlands' East Indies (Colonial Indonesia) to leave Indonesia. People known as the Eurasians (Indies) and the Moluccas in 1950 migrated

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to the Netherlands. They hoped to obtain a more comfortable and safer life there. Some of the Moluccas were still hopeful of independence through the establishment plan of the South Maluku Republic (RMS).

Indonesia's bloody history of nationalism caused decolonization to occur through conflict. Besides the issue of assets of Dutch companies, the feud culminated in the seizure case of West Papua in the early 1960s. Before that, police action ('military aggression') was launched by the Dutch and allied troops in the late 1940s and caused deep trauma for many Indonesians. For them, the actions of the Dutch were an attempt to threaten independence. Although there were negotiations through diplomatic channels, physical fighting ('war of the revolution') dominated the period of decolonization in the early days. As a result, the hatred of the Dutch in Indonesia is very deep. Sukarno harnessed that hatred to build the project of nationalism. Everything which smelled of Dutch, including the Dutch inhabitants, was destroyed. In the late 1950s, the Dutch people finally left Indonesia entirely.

Therefore, when the Dutch opened its borders for labor-intensive ('guest workers') in 1950, Indonesia did not send its people. Although Sukarno had reportedly been offered the chance, he refused. The guest workers were imported from Turkey, Morocco, and some Southern European countries. Privileged people from Suriname were granted entrance to the Netherlands. When it gained independence in 1975, the population of Suriname obtained the automatic right to become a Dutch citizen. Meanwhile, the Moluccas and Indonesians did not become a significant part of the workforce. They were even considered by some in the Netherlands as a burden. This of course contrasts with the history of labor migration in other European countries. In France, most migrant workers come from countries of the former colonies in North Africa. The same thing happened in England, where migrant workers there derive largely from developing countries in Hindustan.

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During the New Order period, Indonesia and the Netherlands tried to build better diplomatic relations. Through IGGI (Inter-Governmental Group on Indonesia), the Netherlands led the countries of development assistance to Indonesia. At the beginning, the development assistance through this organization went well. However, the situation changed in 1992 when JM Pronk, one of the ministers in the Dutch government, warned the Government of Indonesia on cases of human rights violations. The Government of Indonesia was considered negligent in the matter and Pronk's comments certainly made the Indonesian government angry. As a result, the Government of Indonesia refused to aid the development of the Netherlands and IGGI disbanded. Since then, the issue of human rights, especially in Papua (Irian Jaya) and the Moluccas, is the source of a protracted dispute between Indonesia and the Netherlands. Groups of human rights activists in the Netherlands urged the government to press Indonesia. In the meantime, though small, the problem of the South Maluku Republic has always been a pebble in Indonesia and Dutch diplomatic relations.

Other political issues that often interfere with the relationship between Indonesia and the Netherlands are about recognition of the Independence Day. While Indonesia declared independence in 1945, the Dutch government argued that the transfer of sovereignty from Netherlands to Indonesia happened on December 27, 1949. This issue has been controversial among historians not only in Indonesia but also among Dutch historians. The implication of this controversy is a matter of law. This is seen in the case of Rawagede. In 2011, after the Rawagede tragedy victims of the tragedy were granted a lawsuit against the Dutch government by the Court of The Hague. The invasion of the small village in West Java caused hundreds of casualties, and the raid was deemed a very heavy violation of human rights. The Dutch government, finally, was required to apologize and pay money to the heirs of victims of the tragedy.

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Despite these previous conflicts, the Netherlands has always been a main destination for Indonesian workers in Europe. This is because there are already many people of Indonesia in the Netherlands. Based on data from BNP2TKI and the Ministry of Manpower and Transmigration, the number of delivery and placement of Indonesian workers in the Netherlands is always the highest among European countries. The workers I met told me that they feel at home in the Netherlands for many practical reasons, namely because there are many stores that sell Indonesian food. Until now the Indonesian people still maintain and develop their culture. The Tong Tong Festival, which has taken place every year since 1950, is a showcase and embodiment of this Eurasian culture. Therefore, culturally, relations between Indonesia and the Netherlands contain various shades of post colonialism, although the Indonesian workers are not automatically referred to as Post-colonial migrants.

Economic relations between Indonesia and the Netherlands are well. In 1994, they signed a delivery contract for Indonesian nurses to venture to the Netherlands. The Indonesian nurses have an important place in the Dutch labor market and they can compete strongly with nurses from other states. But the agreement was terminated in 2004 since there was no longer an agreement on sending workers made between Indonesia and the Netherlands. Consequently, there has been no further migration of Indonesian workers to the Netherlands and held collectively in large numbers involving the government.

D. INDONESIAN MIGRANT WORKERS ORGANIZATIONS

In the post-1965 unions in Indonesia were designed in such a way that did not develop into an important political force. In the New Order era, labor unions are organized and fused into a single labor organization recognized by the State. Conditions of migrant labor

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unions are much weaker. They are divided by territorial boundaries of national states. Particularly in Southeast Asia, almost none have formed an alliance between the trade unions of migrant workers and domestic (Hadiz, 2005). For example, so far there is no strong support from labor unions for Indonesian workers in Malaysia. Solidarity labor is constrained by national sentiment and sector interests. Meanwhile, legally, the new state of protection of migrant workers is reflected in legislation, but has not yet manifested in action.

In fact, migrant labor unions can be active because there is support from the intellectual-activist groups. They established several NGOs (Non-governmental Organizations) who are concerned with labor issues. They build cooperation with international organizations that deal with labor issues, such as ILO and IOM, especially to encourage ratification of the covenant of human rights for workers. IOM is also helping to return undocumented workers who were deported. In Indonesia, the role of NGOs in promoting the formation of groups of migrant workers is seen strongly in the last decade. After the fall of the New Order regime, various new unions were formed on one side, including union workers.

PSDR-LIPI research (in 2010) showed some activity of Indonesian migrant workers organizations in the Netherland, one of them is the Palapa. This organization collects the workers who work in the field of telecommunications and information technology. However, these organizations generally only consist of skilled workers with a relatively small number of members. Their members have clearly documented status and have a contract of employment. They also have a residence permit in the Netherlands. Another organization is Indonesian National Nurses Association (PPNI). This organization has branches in several countries, one being in the Netherlands. Based on the name of this organization, they clearly only unite nurses. They sent nurses to the Netherlands

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through a formal agreement, providing those nurses a contract of employment. They are categorized as skilled workers and by law, their status is documented workers.

IOM have conducted a study on the role of the Indonesia Diaspora in contributing to development in Indonesia. Along with that, they do the mapping of Indonesian communities in the Netherlands. However, the study's scope is limited to skilled and documented migrant workers. The plan of the study will be integrated with initiatives of the Embassy in The Hague, which also is starting an effort to form what they refer to as the Netherlands-Indonesian Society.

On January 2, 2011, an organization called the Indonesian Migrant Workers Union (IMWU) was established. Sponsored by some activists concerned with labor issues, IMWU is the first Indonesian organization for migrant workers in the Netherlands. They have a program that addresses advocacy not only to the Dutch Government, but also to the Government of Indonesia, especially its representative in the Netherlands. They are also involved in regional and international forums. Some activists of IMWU participated, for example, in domestic work for the ILO Conference in Geneva, June 2011. Some intellectuals act as facilitators who helped formulate the interests of the workers to be more solid, so that could be heard more by the wider society.

IMWU Membership is open to Indonesian workers in the Netherlands. Until now, the number of members IMWU reached was 150 people. Interestingly, most members of IMWU's immigrant workers are undocumented. They regard IMWU as an organization that is expected to be their fate in the Netherlands. Some even consider IMWU as an agency to help them finding employment in the Netherlands, a fact that this assumption is wrong. Some members of the IMWU are also members of the largest union in the Netherlands, the FNV (Federatie Nederlandse Vakbeweging) Bondgenoten.

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IMWU has an active role in the campaign of domestic workers of Federatie Nederlandse Vakbeweging (FNV) Bondgenoten which is the largest union in the Netherlands. By working with the FNV, IMWU have ample opportunity to interact with trade unions and organizations engaged in other labor issues. Not long ago, precisely in June 2011, one of the administrators of IMWU became delegation representative of FNV in the ILO conference in Geneva on domestic workers. The event promoted the requirement of states to adopt the covenant of decent work for domestic workers.

Currently, offices are located in Het IMWU Wereldhuis, Niewe Herengracht 20 in Amsterdam and also in Hittite Wereldhuis, Kempstraat 124-II, 2572 GK, The Hague. In the same office there are several migrant workers from other states. The location is within the Protestant church. They regularly attend the event held by undocumented immigrants and the public and discuss the rights of undocumented migrants, including their children. Although they have undocumented citizenship status, they are given the knowledge that they still have the basic rights such as health, basic worker rights, the right to report to the police and schools for their children.

On May 18, 2011, I attended an event organized by The Wereldhuis. In addition to several members of the IMWU, there are also some undocumented migrants from Africa and Latin America. An activist who worked in the field of rights of undocumented workers' children presented to explain the issue. There was also a social lawyer. Having presented the various regulations on the rights of undocumented child migrants, participants were asked various questions. In conclusion, although parents hold the status of undocumented, children aged up to 18 years have the same rights as other children in the Netherlands for education and health. Therefore, undocumented workers who have barriers to education and health for their children were asked to report to the Wereldhuis to be assisted.

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Het Wereldhuis is routinely held to give understanding to undocumented migrants about their rights. Despite their legal status as undocumented, it does not mean they have no rights whatsoever to obtain social protection. Certainly the degree of protection accorded to them is different from the documented migrants. However, the emphasis is all workers, whether documented or undocumented, are protected by the principles of human rights. Included in this is the protection of domestic workers. In the ILO Conference in Geneva, June 2011, domestic workers became an important theme. An IMWU activist involved in the conference represented the FNV. Through the forum, he conveyed the importance of the ratification of international covenants on human rights of domestic workers. More than workers in other sectors, domestic workers have a high vulnerability due to the domestic sector, which is small and closed making it vulnerable to human trafficking and exploitation.

Meanwhile, the Indonesian Government filed a lawsuit to order IMWU's documented and undocumented workers to be given the same treatment in the service at the Embassy. They also asked the embassy to actively lobby the Dutch government if there are Indonesian workers who have legal problems, who most were not provided assistance regarding their rights in court. In the assessment of the IMWU, the Embassy appears passive. They only move if there is a report from the Netherlands. Commemorating international workers' day May 1, 2011, a statement was issued by the IMWU. The point of the statement was that the existence of the IMWU emphasized that Indonesian undocumented workers in the Netherlands is a fact. Therefore, the Embassy was requested not to discriminate, let alone take advantage of, the existence of these undocumented workers.

Initially the Indonesian Embassy in The Hague responded cynically to the formation of the IMWU. There is an opinion within the Embassy stating that the existence of the IMWU will

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affect the relationship between Indonesia and the Netherlands negatively. This is because many members of the IMWU are undocumented migrants, while the Dutch government's policy in this matter was clear. Fanny Habibie (the former Ambassador in the Netherlands) had invited Indonesian illegal workers to the Embassy and advised them to return to Indonesia. The workers opposed these suggestions because, after all, they needed to work with decent earnings and, even more so, they could pay their debts and help their families in Indonesia by working in the Netherlands. During Fanny Habibie's era, the relationship between the workers and the Embassy was poor.

Relations between them later improved. On May 16, 2011, I met two IMWU activists at the Indonesian Embassy in The Hague. They recently held a meeting with the embassy officials concerning the condition of Indonesian workers in the Netherlands, especially undocumented workers. In the meeting it was agreed that the Embassy would help the Indonesian workers, including undocumented workers, if they came across legal problem in the Netherlands. Embassy officers further requested IMWU to assist the Embassy in addressing the workers.

Issuing passports and *Surat Perjalanan Laksana Paspor* (SPLP-Letter Passport Travel Like) is the subject of dispute between IMWU and the Embassy. IMWU demanded the Embassy to issue passports, not just SPLPs, for undocumented Indonesian migrant workers in the Netherlands. The reason is that the SPLP is not accepted by hospitals, by money transfer companies or even by the police. The Embassy of Philippines is exceptional as it issues passports to its citizens in the Netherlands, although they are undocumented. The Embassy of Indonesia, by contrast, argues that they cannot issue passports to undocumented workers because they do not have permission to live in the Netherlands. According to the Embassy, it is the Dutch rule.

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Because they do not have a passport, undocumented migrant workers cannot send money through the official courier service. They send money through brokers at a cost that is often higher than the official delivery services such as Western Union. In good conditions, a worker can send up to 500 euros to their family in Indonesia. This information is not official data at all, but it's estimated that the 'foreign exchange' which was paid by Indonesian workers in the Netherlands is a huge amount.

E. DREAM SEEKERS: SOME STORIES

This section is based on my fieldwork in the Netherlands from the 13th to 22nd of May 2011. In a very short time, I met some Indonesian workers and staff of the Indonesian Embassy in The Hague. Due to time constraints, I could only meet with Indonesian workers from one group. Most of them came from East Java, Malang and Surabaya in particular. All were male and Muslim. Limitations of time made me unable to reach wider sources. However, from that observation I was surprised by the number of Indonesian workers in the Netherlands, at least based on information from my research sources. So far, they are almost ignored by both the media and by researchers. In Indonesia, we rarely hear news of the existence of Indonesian workers in the Netherlands. The same thing happens in the academic world. As I have mentioned in Chapter 1, the academic work on Indonesians in the Netherlands is very limited, leading us to believe that this topic has not yet attracted the attention of scholars. At universities and research institutes in the Netherlands, interest in this topic has only just begun.

Based on information from an employee at the Indonesian Embassy in The Hague, the number of Indonesian workers in the Netherlands who come from East Java is very large, with their numbers maybe reaching hundreds. Most of them are undocumented immigrants and they generally live in larger cities: Amsterdam, Den Haag, and Rotterdam. They usually meet in mosques and

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other social activities. Compared with undocumented immigrants from other countries, Indonesian workers are rarely reported by the Dutch media. The Dutch media usually reports undocumented immigrant workers when it comes to security and criminality. So far in this matter, Indonesian workers are rarely involved.

Based on undocumented immigrant categories used in this study, it can be said that most Indonesian workers who were interviewed are in the category D. They went to the Netherlands legally, with official visas, but then overstayed. Most used a tourist visa, but there were also sailor visas. The problem is they have no educational certification required by, or compatible with, the formal employment in the Netherlands, and so they are categorized as unskilled workers. Because they are unskilled, it is difficult for them to get a residency permit from the local government. As they have no letter as well, they cannot take care of passport renewals to the Indonesian Embassy. They can only be given *Surat Perjalanan Laksana Paspor* (SPLP) which is valid for 3 years, but can only be used for limited purposes. In the case of undocumented immigrants, SPLPs are the administrative requirements demanded by the Dutch Government to deport them, usually through the International Organization for Migration (IOM).

Most of my research informants are domestic helpers. As discussed earlier, this sector does not always require the certification of education or training. There is an informal relationship between workers and users in this sector. There is no employment contract. The relationship between the worker and the user is a relationship of mutual trust. If it does not fit, workers will resign and the user will look for other workers. Most users of their services are the Dutch. It is more convenient for them to work in Dutch homes rather than non-Dutch. Dutch people do not talk much. Workers are told beforehand what to do in the employer's home. Salaries earned by working at homes of the Dutch are also quite large, an average of 10 euros per hour. Working in the homes of Surinamese

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or Indonesian, the salary is usually smaller. They can work at any time upon request from the user with an average of 8 hours of work a day.

The road taken by the workers arriving in the Netherlands premises until mixed. The workers I met were undocumented workers. More precisely, they overstayed their visas. As recounted by the informants whom I interviewed, there are 3 reasons or backgrounds leading to their work in the Netherlands. First, they are victims of fraud. In Indonesia they were promised work authorized by labor-sending agencies. The agent promised that the letter of employment would be given soon after they arrived in the Netherlands. However, after paying a large deposit to the agent in Indonesia and arriving in the Netherlands, they became aware that it was all nonsense. With their little money remaining, they survived and tried to contact friends or relatives. For those who were lucky, a friend or relative finds jobs for them. For those who were not lucky, they were displaced and finally deported.

Secondly, there are those who realized from the beginning that they had no work visa, but decided to go to the Netherlands anyways. Difficulty finding a job in Indonesia has encouraged them to migrate to the Netherlands. This condition is prominent especially after the monetary crisis hit Indonesia in 1997. These people usually arrive in the Netherlands on a tourist visa or as a sailor. Some do not go to the Netherlands directly, but through other European countries. From there they travel via the roads to the Netherlands. This means that they use the visas of European countries, which already use the Schengen visa. One of my informants has a French visa, while another uses an Italian visa. According to them, these countries issued visas more easily than the Netherlands. The Dutch Embassy in Jakarta seems to have identified the number of Indonesian workers who went to the Netherlands with a tourist visa, so they tightened the requirements to obtain a visa.

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Thirdly, there are those who go to the Netherlands with family or by an invitation from cultural exchange program. With the sponsorship of a Dutch, a family or an institution, a person finds it will be easier to get visas. With a sponsor, it is guaranteed that the visitors will not make problems in the Netherlands. Towards times of cultural feasts, like the Tong Tong Festival, the requirement for Indonesian people usually increases. In addition to the dancers or arts workers imported from Indonesia, the Tong Tong Festival usually requires workers to cook Indonesian food. Once the festival is completed, many workers do not return to Indonesia. They find work there, but they do not have work visas. They also usually do not report to the Indonesian Embassy. Although they are said to be skilled labors, their status is undocumented. Here are three small stories of Indonesian workers in the Netherlands.

1. Slamet Heri[2]

The first worker I met was Slamet Heri.[3] He was born in Cilacap, Central Java, he came to the Netherlands in 2007. He got a degree from a university in Klaten, Central Java. In Indonesia he served in several offices and hosted at a radio station. After that, he decided to seek employment abroad. The reason for this was to get a better life. He got his information from an agency that provided jobs in Japan. Heri prepared all the requirements, including money, in order to go and work in Japan.

However, he was surprised to discover that he did not go to Japan but to Europe. He did not receive a Japanese visa, but a visa for France instead. He became aware that he had been the victim of fraud. Because of he had given up money in large amounts, Heri decided to keep going. He eventually landed in Paris, and from

[2] The name is not an original name, but for the sake of the person, the name is changed by writer

[3] Interviewed with Slamet Heri on 14 May 2011 in Amsterdam.

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there, decided to go to the Netherlands as he had some friends there.

According to Heri, he found a place to stay in the *Masjid At-Taqwa*, a mosque in Indonesia's muslim community in the Netherlands, with help from his friend. He became a *takmir* of the mosque. To make ends meet, while also sending money home, Heri worked as a builder. Heri usually worked in the painting section. He is categorized as an unskilled laborer. Although he has an undergraduate degree, it cannot be used in the Netherlands. By law, he had the status of an undocumented immigrant. Therefore, he and other undocumented friends had to be careful not to be caught by the immigration authorities as undocumented workers. However, their service users did not question their status and they don't require them to have an official license. By using the services of unskilled workers like Heri, they can pay less.

Later, Heri was diagnosed to have cardiac dysfunction disease, in which his heart functions only less than half. For Heri, this was unfortunate, but also a blessing. It was unfortunate because obviously this is a disease that could threaten his life anytime. But he called it a blessing because after it emerged that he was suffering from the disease, the story of his life changed drastically. Because of his undocumented status, it was difficult for Heri to get health care. In the Netherlands, health services are very expensive, so that ordinary people without health insurance are likely unable to get treatment. Undocumented immigrants obviously do not have health insurance because they do not have identity cards. Heri was lucky to meet Dr. Siaw May Lie, a woman doctor exiled from Indonesia who lives in Amsterdam. With the recommendations given by Dr. Siaw, based on medical diagnosis that she did, Heri sent a residency petition to the Dutch government. The reason he was able to petition is because the disease suffered kept him from being able to get on a plane, meaning he couldn't return to Indonesia. Having noted

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these conditions, the Dutch government granted him permission to stay, including health insurance.

Nowadays, Heri is a documented immigrant. With the new status, he has more opportunity for social activities. He listed as a volunteer at Euro Muslim, an Islamic organization consisting of people of Indonesia in the Netherlands. With it, he was able to pay for health insurance. Together with his friends, he initiated the formation of trade unions in Dutch Indonesia. Now, since January 2, 2011, Indonesians in the Dutch trade unions stand by the name of Indonesian Migrant Workers Union (IMWU) the Netherlands. The Indonesian migrant workers in Hong Kong also use the name and often communicate with their counterpart in the Netherlands.

2. Andang[4]

Another worker that I interviewed was Andang. Born in Surabaya on February 19, 1972, Andang has been working in the Netherlands since 2008. Previously he had worked in Japan. After his contract ran out, he returned to Malang. However, in Malang he could not find a job and, to make things more difficult, he had a child. Andang then thought to look for work abroad. After discussing with his wife, Andang decided to look for work in the Netherlands. Using the knowledge of his sister who lived there with her husband, he felt he had had found information about the world of work in the Netherlands

Andang went to the Netherlands with a sailor's visa, which was issued by an Italian. His visa was administered by an agency in Jakarta at a cost of Rp25 million. From the beginning he did not intend to seek work in Italy, but in the Netherlands. Italy was chosen because it is easier in obtaining visas. After arriving in the Netherlands, he immediately joined his brother-in-law who helped him to quickly get a job. His sister returned to Indonesia.

[4] This name is only a fictive name, since the respondent's name is only known by the interviewer. This interview is performed in Amsterdam on 16 May 2011.

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Andang now works as a domestic helper. He cleans houses and all furnishings. He works 5-6 hours per day earning 10 euros an hour. Within a month he can earn up to 1000 euros, although half of his earnings are sent to his family in Malang. In the Netherlands he rents a small room on the outskirts of Amsterdam for 250 euros. The room is in a house owned by an Indonesian. The owner is an old lady who married a Dutch man. After paying rent and posting money to his family, he uses the rest of the money to meet the needs of daily living, including transportation costs as high as 60 euros per month.

Andang acknowledges that his status as an undocumented migrant is sometimes causes him to worry. Lately, the police often conduct raids at the train station. However, he claims not to have had any contact with the police. Most Indonesian workers avoid trouble or crime in the Netherlands. Provided that they do not break the rules, such as crossing out of place, undocumented immigrants like him are safe.

I met Andang for the first time at a show about the rights of undocumented children in Het Wereldhuis, Amsterdam. He has thought of bringing his children there, as he has missed them since he left almost three years ago. He only communicates with his wife via telephone, email, and chat. Now he is studying the regulations relating to undocumented immigrants. He became friends with Heri, as they are both active in the *Masjid At-Taqwa*. Andang has not officially registered as a member of the IMWU founded by Heri and his friends, but he often joins their activities.

3. Mahmud

Compared to the previous two Indonesian workers, Mahmud[5] is the most senior. He is in his 40s. He travelled in and out of Holland three times, with different passport name each time. He

[5] This name is only a fictive name, since the respondent's name is only known by the interviewer. This interview is performed in Amsterdam on 16 May 2011.

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first entered the Netherlands in 1992. According to Mahmud, the Netherlands at that time was prosperous; immigrants could get in with ease. He worked as a part-time domestic helper. His job was to clean the house and all furnishings. He came first to the Netherlands as a bachelor from Surabaya, East Java. He has completed education at the senior high school level, but as school certificates are not sold in the Netherlands, he is categorized as unskilled workers. He therefore has no residence or work permit, so legally he is an undocumented migrant.

In 2000 Mahmud returned to Indonesia, and married a girl in Surabaya. He used the money invested in his savings in the Netherlands to build a business in Surabaya, which was selling *kopiah*. But he deceived his coworkers and his business went bankrupt. He did not have enough capital to open a new business. Finally in 2003, after discussing with his wife, Mahmud went back to the Netherlands.

In 2006, Mahmud went back to Indonesia, this time through the help of IOM (International Organisation for Migration). He came home because there was a family crisis. In 2009, he returned to Holland, again with a different passport name. Since then he has maintained a steady job as a pizza delivery man at a restaurant owned by a Dutch. He found work there after a friend, who worked at the restaurant before, recommended him.

In 2009, Mahmud was arrested by police for allegedly stealing a bicycle. The reason is because he was crossing the street out of place while riding his new bike. Apparently the police do not believe that immigrants own nice, new bikes. Unfortunately, when questioned by police, he could not show a letter of ownership for the bicycle, nor did he have an identity card. He claimed to be Indonesian and that his identity card had been stolen. He just showed his FNV membership card and explained that he had tried to contact friends in his home, but the letter was not found. However, not long Mahmud was released. Police found that the

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immigration jails were full and they considered that Indonesian workers rarely made trouble.

F. MOSQUE AS A CENTER OF COMMUNITY LIFE

The existence of places of worship occupies an important position in the life of Indonesian migrant workers in the Netherlands. For those who are Muslims, the mosque plays a significant role not only as the place for worship but also as the place where they build their community. In the mosque they can meet friends from Indonesia. Conversation between them varies, from day to day news to information exchange about jobs. For undocumented workers, it is an important forum for their career. Above all, the mosque provides a kind of sense of security. They find and build the community that helps provide social and psychological support in relation to their vulnerable position and status in the Netherlands.

The biggest mosque owned by the Indonesian Muslim community in the Netherlands is the Mosque of Al-Hikmah. The mosque is located in The Hague. Initially this mosque is an ex-church. In 1996, Probosutedjo and the Bhakti Muslim Pancasila Charitable Foundation (*Yayasan Amal Bakti Muslim Pancasila*) bought it and gave it (*waqf*) to the Indonesian Muslim community in the Netherlands. Usually the embassy employees have Friday prayers in this mosque. And so, this mosque has taken on the persona of 'the state-mosque'.

I visited the Al-Hikmah on Friday, May 13, 2011. I left there with two Embassy staff in The Hague. The journey from the Embassy to *Al-Hikmah* took 15 minutes using a car. Upon arrival, there were dozens of people waiting for the arrival time of Friday prayers. They were not only Indonesian, but also Muslims from various countries, including the Dutch. Before starting the Friday prayer, the *jamaah* talk about different things while drinking coffee and tea which is provided by the caretaker of the mosque. The mosque is composed of two floors. The ground floor is used for

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classroom study and bathroom/toilet, and the second floor is to pray. Friday sermon was read in the Indonesian language. However, the Muslim community of Morocco also uses some rooms in the mosque. Because the place is far away on the edge of town, the mosque was not too crowded. According to information from an employee of the Embassy, many undocumented workers from Indonesia perform Friday prayers at this mosque. However, you can't tell who among you is undocumented as everyone talks normally to each other in daily conversation, with no mention of their status.

The Indonesian Muslim community's mosque in the Netherlands is the Masjid at-Taqwa, located in Amsterdam. The atmosphere is different from the mosque of Al-Hikmah. Here we see a lot of Indonesian migrant workers. This mosque is purchased by the Union of Young Muslims in Europe (PPME) in Amsterdam before the organization was divided because of internal conflict. Inside the large room is used as a place of prayer, there are several smaller rooms for study and meetings. In one of its parts, there are also special rooms for women.

Friday prayer is an important activity held at Masjid At-Taqwa. On May 20, 2011 I attended Friday prayers at this mosque. It is visited by dozens of Indonesians and also Pakistanis, Arabs, Africans, and the Dutch. Women pray *dhuhur* in another room. Friday sermon is delivered in the Indonesian language. In the mosque, I met with Slamet Heri, chairman of the IMWU in the Netherlands. He is the *takmir* of the mosque and he also lives there. I also met Andang who introduced me to his friends. They are all undocumented workers and they came from East Java. On Friday they were off in order to follow the Friday prayers. Incidentally on that Friday, they had made a promise to help the mosque committee for the launch of the Euro Muslim Organization the following morning. The Euro Muslim is a new organization that is split from the PPME (*Persatuan Pelajar Muslim Eropa*).

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After Friday prayers finished, the *jamaah* ate lunch sold by a female *jamaah* for 5 euros. The menu was a spicy rice cake typical of East Java cuisine. This menu is available for many pilgrims of Masjid At-Taqwa who come from East Java. In the mosque, materials for Indonesian cuisine were also sold, including various types of instant noodle productions of Indofood. The atmosphere was very intimate and people spoke in Java language with the Surabaya dialect. While eating, they told each other everything, from work to the latest political news from Indonesia.

G. CONCLUSION

An important presentation here is that one of the biggest difficulties for undocumented migrants is access to health services. Without an official document, they cannot get health insurance and health care costs in the Netherlands are very expensive. IMWU requests to the Embassy to issue a passport as an attempt to resolve the issue. IMWU compare with the Philippine Embassy in issuing passports for those undocumented workers in the Netherlands. This is compared to the SPLPs that are now issued by the Embassy for undocumented migrant workers, which is certainly a less legitimate passport. Moreover, according to legal research by IMWU, there are no ground rules to provide SPLPs for undocumented workers. This is only a subjective policy by the Embassy. The hospital will serve patients in the Netherlands, including undocumented immigrants on the condition that they have a passport. With a passport, undocumented immigrants also can gain social assistance from agencies that provide funding for their insurance.

A point of demand by the IMWU is the expectation that the government of Indonesia, through its Embassy in Den Haag, is more active in protecting its citizens in the Netherlands. The existence of Indonesian illegal workers in the Netherlands is a fact, so the minimum effort that should be done by the Embassy is to record them actively, not just waiting for the mechanism to

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report as stipulated in Law no. 12/2006 on Citizenship. With this data, the plan could work. This issue has become the topic of several discussions between IMWU and the Embassy. So far the relationship between them has lasted well, so the expectation that the lives of undocumented Indonesian migrant workers will be better protected can be achieved.

In recent years, the Dutch have been flooded with immigrants from Eastern Europe and North Africa such as Libya. This condition is sounding the 'alarm' on the Dutch government's sense of security. The security scare is now quite prominent, so the Dutch people's way of seeing immigrants has been affected by this approach. This approach also tends to be cultural, meaning that the Dutch see the act or expression of an ethnic group (migrants) as something that is permanently attached to their mentality. The dominance of this approach in migration policy could seriously impact the presence of undocumented immigrants. Illegalization or criminalization against them will continue to rise through the legal device that further limits their mobility. This is a global issue that will challenge the principles of human rights. The extent to which civil society groups, including migrant workers, are able to answer this question remains to be seen in the coming years.

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Interview

Interview with Ratna Saptari, on May 22, 2001 in Leiden, the Netherlands

Interview with on 14 May 2011 in Amsterdam

Interview with Andang, on 16 May 2011, in Amsterdam

Interview with Mahmud, on 16 May 2011, in Amsterdam

Interviewed with an Indonesian Embassy Consular Staff in the Hague on May 13, 2011

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CHAPTER IV
PORTRAIT AND CHARACTERISTIC OF INDONESIAN WOMEN WORKING IN THE INFORMAL SECTOR (UNSKILLED WORKERS) IN THE NETHERLANDS

Gusnelly

A. INTRODUCTION

Globalization has increased the mobility of people both from the developing countries to the developed countries and the other way around. In migration theory it is always said that migrant workers are independent individuals who have autonomy in making their own decisions. They are also rational people who make decisions based on loss and profit in addition to what is the best for them, to the degree that to migrate is always stated to be a rational choice (Darwin Muhajir, Anna Marie Wattie, 2005: 248). Later in progress, the international mobility of workers is not only dominated by those who have the skill as well as professionalism but also those who do not have the skills. Globalization has caused some skilful Indonesians to show off their work performance in other countries, although the numbers

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are still few. On the other hand, globalization provides information for many other Indonesians to come to the Netherlands, where they then decided to find work even without a work visa. Thus, they are called undocumented.

Jobs that become the ideal occupation for these undocumented workers in general are menials in the domestic sector (households). In the daily life in the land of windmills they call themselves as *Orang Gelap* (illegal worker).[1] Their illegal status does not reduce the interest of the Dutch people to use their services. Working as an illegal worker is considered more advantageous since their salaries do not get deducted by the Dutch tax administration. The high demand for their services in developed countries such as the Netherlands seems to make the Dutch government let it happens as long as these workers do not commit crimes and do not make trouble or disturb the security of local communities. However, the number of elders is quite high in the Netherlands which creates a dilemma for the Dutch Government to act firmly toward these illegal workers. Elderly people in the country need their services to clean the house. This is indeed what leads a few of them to invite family, relatives and some are even determined to become recruitment agencies because the income they received could improve the family economy in the homeland.

Based on the above explanation, in this section, we are going to discuss the phenomenon of those who work as domestic servants in the Netherlands. The figure of those who are categorized as illegal/undocumented workers cannot be identified in precise calculation, but from the investigation of some areas in the Netherlands suffice it to say that they are significant in number. Provisional data from the Indonesian Embassy in the Netherlands

[1] Reference or the naming of *Orang Gelap* is only known in the friendship of those who live in the Netherlands without a temporary worker visa. Either Indonesian or Dutch government are more likely to refer to the term "illegal's or illegal migrant/worker" while the word which is more often termed by migrant experts is undocumented migrant (those without complete documents)

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witnesses that the number of undocumented workers reaches three thousand people. Categorizing them as a group of unskilled workers based on their type of work.[2] Portions of workers who work in this sector are not only women but also men. But the latter work mostly as janitors, gardeners or carpenters. The description of those who work as unskilled workers in this section is more focused on women workers. Gender segregation is hoped to prove whether there is different treatment between the groups of women workers and men workers, especially in getting employment. Description of male workers can be seen in the previous chapter III written by Amin Mudzakkir. The results of the second formulation of gender segregation are expected to be the founding material for the continuation of this study in the future.

Elaboration of a special profile of respondents also intends to help understand the depiction of the characteristics of unskilled migrant workers themselves, either by the type of job, age, motivation, education or years of service. Therefore, it can be seen as a concrete view of how undocumented workers struggle with survival strategies that they encounter in everyday life in the Netherlands. So how do the illegal or undocumented workers address the reactions of various parties, both in Dutch society itself and its authority? What and how is the response of Indonesia as a nation in coping with this issue? It will be interesting to reveal the problems in order to find the common thread of unskilled migrant workers/ undocumented issues in the Netherlands and in other countries.

The discussion in this book will provide information for many people, especially students of migration issues, both academics

[2] In 2010, a discussion of the term for unskilled workers has been discussed in detail. Skilled labor is defined, according to the Dutch immigration rules, as people who are at least graduate in master degree both from the best schools in the Netherlands and outside the Netherlands which are registered in the Times Higher Education 2007 or Academic Ranking of World Universities 2007 issued by Jiao Ton Shanghai University 2007 and a citizen of Indonesia. Moreover, in this study skilled labor is categorized as a citizen of Indonesia Indonesia who worked in the Netherlands by using the educational requirements in accordance with the rules in the Netherlands.

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and researchers. In addition, it is also important for the Indonesian government to understand the conditions of those undocumented citizens, so that the government can find a way out which is better for them in the Netherlands. The methodology used to collect data is qualitative approach and we analyzed it with descriptive analytic method. Data is collected from two sources: literature and field work. The later is used to get secondary data and the studies that have been made on migration in the Netherlands. Field research is conducted by having in-depth-interview with the expert on International migration, the Dutch government, and the Indonesian migrants. This research was held in the Netherlands, located in Leiden, Amsterdam, Roterdam and The Hague.

B. MIGRANT WORKERS VS. THE STATE

The emergence of many Indonesian workers without completed documents in the Netherlands is not entirely their shortcoming. The Government must be responsible too for this situation. Information obtained from an investigation in the Netherlands shows that there is a negative attitude of the Indonesian government, who does not consider the rights of its citizens to work in another country. The Government should give ease and protect its citizens wherever they are. Illegal workers in the Netherlands are often afraid to report or to go to the embassy because they do not want to be sent back home as they are jobless in their homeland. When it comes to reporting to the Embassy the appeal or the response action taken by the Embassy is to repatriate them to Indonesia.[3]

[3] From a study conducted by the research team PSDR-LIPI in Lombok, West Nusa Tenggara, it is known that some of the workers from the area who work in Malaysia choose to be undocumented workers rather than going home. They don't want to repeat the complicated process of getting work permits which is expensive, lengthy and ineffective. The option for undocumented is reckoned more favorable economically for they enjoy full salary without being cut by the tax. Those who work in rubber plantations in Malaysia feel more prosperous to be undocumented. They hold back the desire for shopping, sightseeing or other consumtive purposes so that they can save the money.

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Thus their choices are to avoid the diplomatic representatives, to hide from them, and to work in various kinds of jobs as long as they can survive in the Netherlands. To return back home is often considered irrational because in order to get a visa to go to the Netherlands, Indonesians spend a lot of money reaching tens of millions. There is always one unanswered question when it comes to the consideration to go home; if they return to Indonesia, will the government guarantee them having a job in the future?

It is true that unskilled jobs in the Netherlands are done mostly by those who are undocumented, specifically in the domestic sector. Job opportunities in this sector are filled by women from Southeast Asia, like Indonesia, Vietnam and the Philippines. Culture and traditions of Southeast Asian women, which are close to domestic affairs, indirectly become useful in employment opportunities in developed countries, including Holland. Working inside a house appears more secure since it is away from the security personnel/police. Although they are illegal, (undocumented) they have their own way in getting the job without fear of being caught by the security. One pattern of getting a job is to approach those who are already working in the same line. The offer sometimes comes from Indonesian people who have settled in the Netherlands. Networks that they build are a social capital that requires maintaining mutual trust and cooperation.[4] Armed with mutual trust, they are even able to invite relatives and friends to come to the Netherlands. They choose residencies in big cities where there are larger numbers of immigrants living. Undocumented migrant workers (unskilled) rent rooms in the homes of Indo-Dutch or Indonesian people who have become Dutch citizens. Some are staying with friends from other nations whom they have the residence permit, such as Surinamese migrants or Indian migrants. They deliberately prefer to live together with home owners to secure their presence from the police. In addition, landlords can also help them

[4] Interview with Sri Maryati and Nina on 13 May 2011 in the Hague; Interview with Tati Noorhayati, on May 16, 2011 in Rotterdam

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send money to their families in their homeland. Their illegal status does not allow them to transfer money or open a savings account in the Netherlands. Even if home owners cannot help then they can expect their employers or friends who already have a residence permit to provide assistance. A routine effort to send the money is a must because it is very dangerous if they are caught by police.

As far as our observations and information given by some respondents, it is less likely for Indonesian undocumented workers to be arrested by the Dutch police. In fact, if there is no privilege, then the police could easily find and catch these undocumented workers when they were in the mosque or the homes of Indonesian descendants. These two places are the ones the that are most frequently visited by undocumented migrants. The police do not capture them because in addition to the Dutch government regulation that would appreciate the privacy of any person or group, Indonesian undocumented workers are not included in the immigrant groups that are harmful. There is no or little crime committed by these workers. Therefore they are not the target of the police. Dutch society is aware that Indonesians are friendly, diligent and thorough in cleaning the house so they are more accepted by the elderly in the Netherlands.[5]

Undocumented workers who have been caught become the responsibility of the Dutch government to repatriate them. Another way is to hand them over to the International Organisation of Migration (IOM). The Indonesian Embassy will be contacted if the document (passport) is expired. For that reason the embassy will issue *Surat Perjalanan Laksana Pasport* (SPLP)/Letter of Travel like a passport. The process of sending them home takes months while all expenses are paid by the IOM. The embassy party is contacted only at the request of workers themselves and to take care of SPLP. The Dutch government highly appreciates privacy so when an illegal worker is caught and the person does not ask to call the

[5] Interview with Syafei, on May 15, 2010 in Amsterdam Amstel

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embassy, they will not do it. However, none of the property, money or other items can be brought home.

Different treatment of undocumented workers is received by illegal immigrants from the Philippines. The Philippine government provides representatives called Organization For Workers (OFWs) in any country where its overseas workers make a living. The Philippine government even creates bilateral agreements so that OFWs can protect its citizens. When they are in trouble due to work visas and passports, it is the obligation the OFWs to help resolve the problems with the Dutch government (Migrant Workers Affairs of Philippines' report; 2010). Besides providing OFWs as the representation, the Philippine government also accomplished a Joint Migration and Development Initiative (JMDI) in cooperation with the European Commission and the United Nations Commission on 17 November 2009 in Manila. The government prepares funding of about € 753.264 and some institutions which are ready to help solve various problems faced by their citizens when they are abroad, particularly in Europe. Problems that are often experienced by Filipino migrants, for example, violation of rights, migrant capacity as well as remittance related, would be assisted by representatives of the government and some NGOs that have been agreed upon by both parties (*www.migration4development.org).*

Following the example of the Philippine government's treatment which is continuously working to provide comfort and protection to its citizens abroad, IMWU is a new representation from an Indonesian working group in the Netherlands. They ask the Indonesian Embassy in the Netherlands to start thinking about or to undertake such initiatives done by the Philippine government. Recently IMWU has delivered support for Indonesian illegal workers by giving legal assistance in case there is a legal problem, providing free Dutch language courses and vigorously enunciating the rights of immigrants to various stakeholders, both in the Netherlands and in Indonesia. In the near future IMWU plans to

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get in touch with the Ministry of Manpower and Transmigration of the Republic of Indonesia, the Ministry of Women's Empowerment and the Ministry of Justice and Human Rights of the Republic of Indonesia to discuss the issue of illegal workers.

According to an IMWU activist, Yasmine, the Indonesian government must be sensitive and see the fact that in our country, employment competitiveness as well as high unemployment can only be overcome by providing facilities for people to earn money in other countries. During this time, the government's attention tends to discern job opportunities only in Asian Countries while developed countries in Europe, including Holland, need workers in the domestic sectors as well. At least, when workers already have a job (except in unskilled categories), the government should provide concrete protection for them and not waste time by waiting until a worker is repatriated and later has to undergo a complicated process of re-entry to the Netherlands.[6] With the bargaining position of women workers in the domestic sectors, Indonesia appears to show positive symptoms. Indonesian women are preferred in domestic work because they are more skilled, obedient and adroit in the household. Employment opportunities like this should be discussed with the Dutch government in order to cope with problems of unemployment in Indonesia.

When this right is voiced by IMWU to the Indonesian Embassy, they get an answer that favors neither them nor unskilled workers. The Embassy is merely an authority party to help Indonesian people in the extension of passports and to assist in the process, whereas the authority in charge of issuing passports and visas lies with immigration offices in Indonesia as told by an embassy staff in an interview:[7]

[6] Interview with Yasmine Soraya, secretary IMWU Netherlands on May 13, 2011 in the Netherlands

[7] Interview with an Indonesian Embassy Consular Staff in the Hague on May 13, 2011

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> The Embassy is the representative of Indonesia in the Netherlands, so our working relationship is with the Dutch government (Government to Government). If we issue passports for illegal migrants it might be said as if we legalize their presence in the Netherlands. We would have violated the rules of the Dutch government and the EU itself. Therefore the Dutch government established the Office of Repatriation and Deportation (DTNV) which was formed in 2007 under the Ministry of Justice.

The Indonesian government realizes that everyone takes freedom for granted in finding a job and a great place for him/her to work. This agrees with Article 23 of the Declaration of Human Rights. Individual or group decisions to migrate and settle is often categorized as a positive relation and migration decisions are often influenced by the difference in level of prosperity, the difference in income or wages, and/or the unemployment rate in the country of origin as well as destination countries.

In looking at the issue of undocumented migrants, the state as the embodiment of power over their people is not able to negotiate its power in the Netherlands. It cannot afford to run the duty to perform control and protection for its citizens. The State is simply understood as a series of strategies, programs, engineering tools, documents and procedures embodied in the form of pseudo-power (Philpott, 2003).

As with the Philippine government, according to article 23 of the Declaration of Human Rights, the Philippine Constitution of 1987 in section 18, article III states: "The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare. "Then the Filipinos Act of 1995 (R8042) in section 27, states:

> "The protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the protection of the dignity and fundamental rights and Freedoms of the Filipino citizen abroad, in general, shall be the highest priority concerns

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of the Secretary of Foreign Affairs and the Philippine Foreign Service Posts."

In order to provide real protection for workers and citizens abroad, the Philippine government's policy was set in the Migrant Workers and Overseas Filipinos Act of 1995 (RA8042, as amended) as follow:

> "All officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies on a per country basis, act as one team under the leadership of the ambassador. In host countries where there are Philippine Consulates, Consulates such also constitute part of the country team under the leadership of the ambassador." (*http://www.doh.gov.ph/hrhn*)

It seems that what has been done by the Philippine government ought to be learned by the Indonesian Government. So far, there are no problems, no criminal acts related to the problems of migrant workers that endanger the diplomatic relations between Indonesia and the Netherlands, but the concrete protection of both skilled and unskilled workers is truly needed. Indeed, it has happened a few times that undocumented workers were arrested and detained for 2 weeks or 2 months until they were released with no record of the agreement that they would not do the crime in the Netherlands. Hence, the Indonesian Embassy in the Netherlands does not feel too burdened by the concerns of these undocumented migrants.[8]

Thinking about the development of the global world, the role of government should be able to control its capital, including its citizens and territory. As a manifestation of power over its people, it's authorized to determine the shape of the nation's own involvement in the global economy, including how to put its capital in the economic arena. It should enter an era of global economy to cut the gap between national boundaries, increasing the number

[8] Interview with one of the staff at the Embassy in the Hague on May 14, 2010.

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of transnational activities and the movement of people. National identity is at stake with the activity or interactions of citizens in a new place. The government's control over its citizens through positive action can be done by adapting the international policies and actions embodied in the concrete forms. (Castell, 1997) An increase in bilateral agreements that benefit the economy, politics and culture is needed. This has not been done optimally by Indonesia or the Dutch government-related employment in the Netherlands.

C. INTERNATIONAL ORGANIZATION OF MIGRATION AND UNDOCUMENTED MIGRANT

According to a study conducted by Engbersen and van der Leun (2001: 67), the implementation practices against undocumented migrant workers are less able to explain than the real motives of undocumented migrant workers to engage in crime. The majority of undocumented migrant workers are not active in committing crimes. Nonetheless, if they do anything disturbing it is only to attract attention of the police as a way to repatriate themselves. However, it rarely occurs to Indonesian undocumented migrants. They prefer to go for help officially to the IOM. If they attempt to fly without a visa, they will be arrested at the airport and the police will take the case to the IOM. In terms of prospect, those who are sent home through an official report have a better chance to return to the Netherlands, albeit indirectly. This is because those people are less likely to get listed as banished by the airport security. There are several qualifications for migrant workers to go home which are assisted by the IOM:

1. Voluntary, in which the workers pay their own travel fare and other expenses, but will encounter problems with obtaining a visa. For undocumented workers who do not have a visa, the airport security in Schiphol will quickly arrest them. The solution for this usually is solved by the International Organization of Migration (IOM).

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2. The second pattern is to return home paid by IOM without any intermediary from the Indonesian Embassy. Unfortunately, there are workers who do not know the existence and the role of the IOM. The expenses cover all travel to get home. It is a very easy procedure to return for undocumented workers if they agree to be sent home.
3. The next pattern is to return through the Indonesian Embassy as an intermediary but the expenses are paid by the IOM. The administrative process takes only about 2 weeks. Those who go home via the IOM with good fortune obtain work equipment (about 1200 Euros) as bait so that by sending them back home with equipment, they will have an alternative job in their home land. Certainly, not all workers are the best candidates to be granted the equipment. The IOM will first look at the workers' ability in the field of business they are planning to run. The IOM, through the Embassy, will no longer give money as a capital, but will instead provide physical support. Often, the IOM representative in Jakarta commits fraud. They cut the amount of money for these workers and, to make it worse, they corrupt the money which they give to the workers.

Despite the fact that working illegally or without full documentation is against the law, some people see it as a rational choice. They are forced to miss out on the chance to enjoy public facilities, such as health care and education. Illegal status causes them to be frequently in hiding and disguise their identities in order to hide from the police. In other words, it is impossible to feel comfortable and to work and live peacefully. Perhaps being in the Netherlands is better than in other European countries. All situations regarding their existence depend on the attitude and the acceptance of the local society. Therefore the IOM, as an organization dealing with migration problems, has an obligation to help reduce the number of illegal immigrants trespassing in foreign countries and territories.

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As mentioned earlier, becoming *Orang Gelap* without complete documentation and staying in a foreign country clandestinely is very uncomfortable. Many are scared that the police will arrest and imprison them without informing or working with their embassy. The Indonesian Embassy as the official representative in the Netherlands is fully aware that entering the territory of another country to work without legal documentation violates the rules. Approximately three thousand Indonesian citizens are currently assumed to be part of the undocumented migrants residing in the Netherlands. In many cases, Government to Government agreements often mention undocumented workers as a point particularly to resolve immigrant issues. Indonesian Government and the Dutch Government already have agreements made on certain areas of employment, such as in the healthcare field (nursing). There are many nurses from Indonesia working and living in the Netherlands.[9] They went to the Netherlands legally but many of them did not return to Indonesia once their contracts had expired. This phenomenon seems to occur frequently in any migration activity, both at national and international level.

If elaborated further, there are several issues that cause the emergence of Indonesian undocumented workers in the Netherlands, namely:

a. Not intentionally become undocumented workers. This condition occurs usually for those who go to Holland because they are recruited by job agencies. The agencies demand large sums of money (50 million to 70 million Rupiahs) from those who will be the victim of their deceit. They promise a job with better pay rather than working in Indonesia. Commonly all correspondence, tickets and visas are taken care by the agency. Either tourist visas or visas for the cabin crew are the most

[9] The study of these nurses has been conducted by researchers from PSDR LIPI in 2010

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typical visas to enter the Netherlands. Many are deceived in this way although there is no precise calculation yet.

b. By deliberately choosing to be undocumented workers. An early symptom of this situation begins in the planning to go to the Netherlands. The motives to step in the country are varied. The main goal is to work in Holland without official documents. Those who have a possibility to do this are usually ex-students, Indonesian citizens who have relatives and those who have worked for a short contract in the Netherlands.

c. As a spouse to be together with his wife/her husband. People in this category will become undocumented when they no longer live with their partner prior to 5 years. Any foreigners, who get married to a Dutch citizen, will become a permanent resident after more than 5 years of living together. If less than that period, the status will change to be undocumented.

Although they realize that the road to the Netherlands is very risky, given the fact that many job offers are a stunt for unscrupulous agents to commit fraud, every year the number of illegal workers seems to increase at a fast rate. The information from several respondents indicates that there are always people who come asking for a job from those who have already lived in the Netherlands. This obviously will not be beneficial to the political relations between Indonesia and the Netherlands. The Indonesian government can only create new cooperation agreements in employment matters, as would the case with the cooperation of health service delivery in the 1990's. Colonial relations between Indonesia and the Netherlands could be used as a power to ask for special treatment from the Dutch government on job opportunities, which are less desired by the members of Dutch society. The latest information from IMWU activists notes that the current Dutch government begins to feel uncomfortable with undocumented residents within the country. Some 4,800 of them have been captured in 2012. Even the minister of immigration is about to facilitate the

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police to do it on the streets. Criterion of 'criminal involvement' becomes blurred. Will the Indonesian government be pleased to help its citizens who are undocumented?

D. THE CHARACTERISTICS OF UNDOCUMENTED/UNSKILLED MIGRANT WORKERS

The Netherlands is one recipient country of immigrants among many countries in Europe. Its history shows that the influx of guest workers to migrate to the country in the 1960s has made the Dutch society used to living side by side with strangers (newcomers). For Indonesians, one of the driving factors to go to Holland and decide to stay there is the colonial relationship which cannot be avoided. Migrant workers first come to the Netherlands with a pattern of visiting, doing school or work briefly, but very often the motive shifted. Some people indeed come to seek employment. Those who do not have a steady job in Indonesia come to the Netherlands for school or tourism, initially with a student or tourist visa, and then decide to stay past the visa expiry date. Consequently they become *Orang Gelap* (undocumented migrants).[10] Most of them refuse to be deported and instead prefer to work there confidentially while moving from one place to another. At least that is what

[10] There are several patterns of Indonesian people to enter, to live, and to work in the Netherlands, such as the marital relationship with the Dutch, a family reunion, coming as students and settling for work. According to one staff of Indonesian Embassy in the Hague, the arrival of Indonesian people in many ways above mentioned does not rule out the possibility that they will eventually become undocumented. It is rather difficult to keep the track of them statistically for they might not come to report themselves to the Embassy in the Hague. This is a challenge for many people, especially those who are experts in this subject since it is difficult to trace how many Indonesian people in the Netherlands are. On the other hand, the embassy is not obliged to collect data specifically about this because there is no bilateral agreement between Indonesian and Dutch Government to employ Indonesian workers. There are Indonesian workers who enter the Netherlands by way of the employment provisions of the Dutch Government, not by the mechanism of Indonesian Government, but this applies only to skilled workers

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have been done by thousands of Indonesian people, especially young males. Rotterdam and Amsterdam, which are big business cities in the Netherlands with modern infrastructure, have become a popular job seeker destination. Undocumented workers stay for long periods of time (2–4 years) in colleague's houses, with family or friends (not only Indonesian people but also from Suriname, Philippines and India) or other Indonesian people in Holland.

Telling by the type of work, it is indicated that employment in the domestic sectors is most appealing to undocumented migrants. They work as gardeners, house cleaners, painters, restaurant workers, etc. Wages are generally ranged between 12–15 euro/hour with no tax deducted by the employer. They only work a maximum of 3–5 hours in a day, and are not tied to a formal employment contract.[11] Employers hire them via recommendation of certain parties or due to the promotion of other undocumented fellow friends. Those who find a job through friends usually prepare advertisements to be spread to other employers. Below is an example form and content of the advertisement:

Aangeboden hulp de huishouding …
Hallo, ik ben Indische mensen zoek werk schoonmaken huis, tuin onderhoud/schoonmaken, schilder werk
(binnen of buiten).
Kunt U bij ons terecht: Telp: +316260xxxx
Email: xxxx@yahoo.com
Yati & Yayak

Wanted to help the housekeeping
Hello, I am an Indonesian person searching to work as a house/garden keeper/house decorator (inside or outside).
You can contact us: Telp: +316260xxxx
Email: xxxx@yahoo.com
Yati & Yayak

[11] Those working in the informal sector in the Netherlands are mostly illegal immigrants, so there is no formal employment contract bonds., the wages they get are fixed in accordance with the general government wage standards. The phenomenon of Indonesia who live illegally and choose informal sectors for a living is not foreign. Interview with Mr. X on May 15, 2010 in Amsterdam Amstel

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This seems risky and dangerous for them but there are strategies which they made on their own so that their existence cannot be tracked by the police. Ironically, the Indonesian Embassy never knows and does not ever want to know where these workers live.[12] They leave the matter of undocumented workers to the International Organization of Migration (IOM) and the Office for Repatriation and Deportation (DTNV) which was established in 2007 under the Ministry of Justice (now under the Dutch Immigration Agencies). Hence, the Indonesian government in the Netherlands does not feel too burdened by the concerns of undocumented migrants unless they get caught and reported to the Indonesian embassy.[13] This becomes the focus of the latest arrangements made by embassy arrangements with the Dutch Government as a consequence of Vienna convention. The purpose of this agreement is either to urge or to request the Dutch government to relay messages to the Indonesian Embassy if there are workers who are caught.

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[12] Data on the presence of Indonesian people in the Netherlands in detail is obtained from the Embassy with a variety of reasons, one of which is still in the process of updating reasons. Interview with one of the staff at the Embassy in the Hague on May 14, 2010 in the Netherlands

[13] Since the formation of DTNV, it is almost absolutely no compromise on illegal migrants from anywhere. If they are caught by Dutch police still with the legal passport they will not be taken to the Embassy but will be directly sent back home. We can certainly help if the problem is not that hard. Every citizen has his own right to be protected, not only the Dutch citizens but also Indonesian citizens. They are entitled for a lawyer if they happen to get arrested for a criminal matter. Usually the case with the legal associated with the "privacy law which is also the part of the Dutch constitution." If the suspect does not ask to be connected to any party, whether the embassy, friends or family then Dutch Government will not do it. (Interview with some of the staffs of the Embassy in the Hague on May 14, 2010 and on May 15, 2011)

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E. SOME PROFILES OF INDONESIAN WOMEN WORKERS WORKING IN THE UNSKILLED SECTORS IN THE NETHERLANDS

In the past, the decision to migrate has usually been dominated by men, aged between 25 to 35 years old. Globally, migration is experiencing a feminization process (Castles & Miller, 2003 cited from Williams & Yu, 2006: 59) and women are increasingly taking part in migration activities. The data reported by the IOM (International Organization for Migration) states that about 49.6 percent of those who carried out global migration in 2005 were women. Occasionally the pattern of migration flows between women and men are different, yet both take advantage of the labor market.

The decision to migrate and find work in other countries is also a rational choice for women. They, primarily women from South East Asia, migrate to find work as domestic servants, or in the service sector as an 'entertainer' or as undocumented workers (Piper, 2003: 460). Constable (2003; 168) conveys that women from China and the Philippines not only look for a 'bridge' to get into the western world but they also want to marry western men for the sake of mobility, prosperity and the dream of a cosmopolitan future.

In the Netherlands, Indonesian women who come, work and settle in the country tend to be brought by a friend or a relative. They are originally not from the upper class, but from the middle and lower classes. Elaboration of the portraits and profiles of Indonesian women working in the Netherlands can be seen from the profile of Noorhayati, Sri Maryati and Nina. From their stories about the motivations and dynamics of working in the Netherlands, it appears that there are lessons to be taken into consideration by the Indonesian Government.

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1. Tati Noorhayati[14]

Discrimination in the workplace is often accepted by women in Indonesia and encourages them to initiate seeking employment abroad instead of in their own homeland. It is evident that for jobs in certain sectors women are not allowed to take part. Not to mention the world of work itself, women are considered a burden on the company because they have more time off than that of men. However, globalization has helped to facilitate the transfer of knowledge so that women can enjoy the advances in technology and education. Nowadays women have the opportunity and ability to work in the same level that men can do. They also now have similar opportunities for jobs overseas.

In the era of so-called global, a thing that cannot be avoided is the transparency of borders between countries and a loss of mileage due to technological advances. Any individual from any country has the opportunity and likely possibility of getting a job in another country where they prefer to be. Similarly, a woman from Surabaya named Noorhayati,[15] who works in the Netherlands, is one of many other Indonesian women who decided to become a domestic worker without official documents (undocumented workers). The story of this woman describes the life of unskilled workers with no documents and whom have not yet decided when they will return to Indonesia.

Noorhayati, a 35 year old woman, arrived in the Netherlands after being invited by an Indonesian restaurant owner. In Indonesia, her husband had been fired from his job after a disability owing to an accident and her children needed money to pay their tuition fee. These economic difficulties inspired this young woman to accept the offer to work in the Netherlands. Off to work abroad with only enough money to eat, she entered the Netherlands with

[14] The name is not an original name, but for the sake of the person, the name is changed by writer

[15] Interview with Noorhayati, Roterdam, on May 16–17, 2011

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a tourist visa. Noorhayati then worked as a waitress with a salary of around 2 million rupiahs per month and lived in a small room in the restaurant pavilion where she was working, prepared by the employer. Noorhayati feared being caught when her tourist visa expired and her employer would be fined if he was found to have hired an illegal. To avoid this, the restaurant owner asked the illegal workers to hide in a basement when there was an inspection by the local police. Information of this inspection was learned early so that they had a chance to hide successfully and avoid the fine. This situation lasted for 1.5 years. From what she earned in the Netherlands, she was able to finance her family in Surabaya.

Noorhayati also explains about her changing fate when her employer began to show bad behavior toward her. Noorhayati felt uncomfortable working there and eventually decided to run away from her employer and look for another job. In the course of seeking a new job she became a house cleaner. For the first three months she was only working in one house, twice a week for three hours regularly. By the recommendation of her new employer, she began to clean some other houses owned by elderly people. She eventually began working everyday without time off as they were always in need of her services. Noorhayati began recommending fellow illegal workers when too many requests came. This was the beginning of a network made among her and some fellow illegal workers. They receive all kind of jobs no matter where the locations are for their networks are everywhere. Within the network, trust and discipline are the things considered most important by the members.

According to her, in order to stay in the Netherlands, Noorhayati and the other *Orang Gelap* posses their respective strategies. Western-style appearance and ability to use native language are needed. Being socially open and having a chat in a group while in public places with fellow illegals is forbidden. Therefore, Noorhayati worked hard to be able to speak Dutch and made friends

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with many people from other ethnic groups in the Netherlands, such as Surinamese, Indians and Filipinos. Noorhayati has been working in the Netherlands, for 5 years with the income from 1200 to 1400 euro per month. Her children go to college and she purchased a house in Surabaya. She sends her salary to her family in Surabaya by using her employer's bank account whose house Noorhayati is now living in.

Noorhayati also explained about her daily schedule. She always wakes at 6 am since at 7 am she must be ready in her employer's house. Noorhayati goes to work after breakfast and prepares her lunch. As *Orang Gelap* it is impossible to make use of healthcare facilities. When she gets sick, she just takes what medicine is available in her possession, but cannot go to see the doctor. Noorhayati always feels the fear of being caught. However, as long as she executes her strategy with discipline and confidence and does not commit any crimes, then it should be enough. The police will not catch her. Those who are illegal workers have a belief that the Dutch Government requires their services mainly to help cleaning old people's houses as well as nursing homes. The country cannot rigorously conduct an inspection due to the high cost while the Dutch economy is now encountering a crisis. A consequence of arresting illegal workers is to imprison them and then return them to their countries of origin. These efforts, of course, need considerable expenses when in fact, there are lots undocumented workers living in the Netherlands.

2. Sri Maryati[16]

Another profile of an Indonesian undocumented woman worker is Sri Maryati.[17] This middle-aged woman has been living in the Netherlands for 12 years. She is now working as a foster mother

[16] The name is not an original name, but for the sake of the person, the name is changed by writer

[17] Interview with Sri Maryati in Indonesian the Embassy, the Hague on May 14, 2011

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for children in an Indonesia-Netherlands School in the Hague. Although her current status is now a legal worker because she holds a permit as a permanent resident, her experience as *Orang Gelap* and an undocumented worker is valuable to know. She understands the fear of being arrested, sent home and imprisoned.

Sri Maryati's story about her visit to the Netherlands began when she went along with her sister who was ill back to the Netherlands. Her sister was a nurse who had returned to Indonesia for a holiday. When her sister fell sick yet had to go back to the Netherlands, she asked for Maryati as a companion. Her mother granted the request because the family was enduring a difficult time after her father died. With four children, it cost a lot of money to send them to school. In 1998 Maryati, together with her sister and brother, departed from Medan to Jakarta and headed to the Netherlands. During the period of her visit, the desire to find work in the country came to her mind. Later, she decided not to return home.

For the first time she got a job from an old lady, a descendant of Dutch-Indo, introduced to her by her sister's friend. She offered to help cleaning up the house, cooking food and taking care of the lady when she was sick. Her struggle to earn a livelihood in the Netherlands had begun. The first salary she earned at the time was only 3 guilders/hour. From there on, slowly but surely, other jobs came, thanks to her employer's recommendation. She worked this kind of job up until 2003. In that year she was married to an Indonesian who already had a residence permit. Marriage gave her a new status and she was no longer an undocumented worker any more. Later, she changed jobs to a company engaged in the manufacture of aquarium until 2006. In 2008, she and her husband visited Mecca as part of the Hajj Pilgrimage from the Netherlands. After returning from Hajj, she was told by the Indonesian Embassy to take care of children in boarding school owned by an Indonesia-Netherlands School, which she still does until now.

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Her experience as an undocumented worker pulled her attention to those who currently share the same fate with her. Several times she tries to help some young Indonesians who come to the Netherlands from Indonesia as promised by job agencies. To be able to depart they have to pay around 50 million–70 million rupiah per person. Those who were deceived by the agencies were actually graduates from high school and even college, not from lower education. It is tragic, so to say, that they paid a lot of money in vain only to be left without a job. The recruits were divided into groups of approximately 7–15 people each crossing the borders from France, Belgium and Germany to enter Holland. It was not a big problem for those who came from rich families since their families could afford to bring them home. Some were brave enough to deliberately cause trouble so that the police could arrest them and later send home via the IOM.

As a school caretaker in the Indonesia-Netherlands School, Maryati is apparently not able to provide promising jobs for other undocumented workers. If there is a chance for her to help them, it is only in a minor way, for instance, preparing lunch for them. It is definitely not easy for her to help everyone who is asking for a job. To ask Dutch people directly for a job is almost impossible. They normally do not have much confidence in hiring new workers, especially if there is no recommendation. Besides, if the Dutch government finds that its citizens are hiring undocumented workers, those employers will be charged a fine of 38 thousand Euros for each worker. The same fine is applied to restaurants, shops and factories that employ workers illegally.

For those who are lucky, undocumented workers can find a job that offers work in three houses a day. Usually the working hours for a house last between 2–3 hours and earn about 12.5–15 per hour. The cost of living to stay in the Netherlands is not much. A worker can hire the cheapest room with 200 Euro/month with meal expenses equal to around 5–7 Euros per day. The most

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expensive cost is for transportation because undocumented workers do not have discount cards for transportation. As a result, they have to pay full price for transportation. If the distance to the work place is far for the worker to travel, then the employers often give extra money to offset the transportation fees.

Sri Maryati ascertains that life won't be really nice in the Netherlands when her hair turns to grey. For that reason, she and her husband hope to go home once they are retired. The Dutch Government gives pensions on a monthly basis to those who are already 56 years old. It happens now and then that unskilled workers become legal residents due to the fact that they get married with local people or Indonesians who have residence permit. This usually comes true for Indonesian women rather than men. They arrive to the Netherlands as guests of their relatives or friends and then find jobs as baby sitters or helpers. While they stay, someone will look for a match. Not after long, they get married. Even without holding a residence permit themselves, they are still able to stay in the Netherlands as long as they meet the requirements. In order to legally bring/keep a spouse in the Netherlands that person must hold a residence permit, make a living of over 1000 Euro/month and speak Dutch, which should be certified by relevant institutions.

3. Mrs. Nina[18]

There is no difference in Mrs. Nina's story compared with the two women we have mentioned before. Mrs. Nina[19] had the same rational excuse when she arrived in the Netherlands for the first time. She was jobless in Indonesia and was invited to the Netherlands by her brother who had worked there since the mid-1980s. Mrs. Nina, who comes from Bukittinggi, worked as a house cleaner in houses owned by elderly Dutch people. She was paid with guilders,

[18] The name is not an original name, but for the sake of the person, the name is changed by writer

[19] Interview with Nina in Indonesian the Embassy, the Hague on May 14, 2011

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the currency at that time. In the mid-1980s, there was still ample employment in the Netherlands. It was also possible to work on the farms if the workers were willing to do so. The Dutch Government had not been very strict with their immigration rules. They were aware that jobs closely related to the elderly were still very much needed. For approximately 5 years Mrs. Nina worked from home to home by using a network system to find new employers. That is to say, the service Mrs. Nina provided found new opportunities because her employer told others. It was well-known that Dutch people would not give any jobs in the first place to strangers. Dutch society is not happy to please unfamiliar people who they feel might invade their privacy.

Mrs. Nina is probably one of the luckier ones living in the Netherlands. After working illegally for 5 years, she married a Dutch man and gave birth to children. From then on, she was no longer an illegal worker and found work in a decent company (factory). Now she is retired and stays home. Her children study in the School of Indonesia-Netherlands (SIN). From her daily activity of taking the children to school, she often hears news about undocumented workers from her homeland. She actually hasn't assisted many of those whom she used to identify with, only helping a few times to find a job for someone. In her opinion of domestic sectors, the trust level of the Dutch towards Indonesian workers is quite good. When compared with the Poles, Croatians or Filipinos, Indonesian women are the most regarded. Most Indo - Dutch people automatically prefer Indonesians for their good attitude, diligence and eagerness for working overtime.

F. CONCLUSION

In the global situation there are Indonesian migrant workers who succeed in finding jobs in foreign countries. In general, the people migrate to foreign countries, especially to the Netherlands, to seek jobs and obtain a higher salary compared to when working in their

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own countries. Limitations for job opportunities and the lack of ability for the Government to accommodate a decreasing work force have pushed people to find other solutions. For Indonesian people, the Netherlands is job-seekers paradise because they become small players in a big world market. At the same time, the Netherlands needs plenty of workers to fill jobs in the informal sector helping the elderly.

Indonesia is a country that supplies unskilled workers internationally. It is difficult to track statistics on the number of workers because they only record those who report to the embassy requesting passport renewal and only a few mentions their occupation in the Netherlands. The Embassy estimated that about 3 million Indonesian people exist in this sector and who don't have complete documentation (undocumented). They entered Holland via agents, kinship (family or friends) and studied or did short training. They use tourism visas or visas for technical members of ships. For the individuals marry to Dutch citizens (mix-marriage) and stay for 5 years, they will obtain permanent residency, such as Sri Maryati and Nina. Before they got married with native, they become undocumented migrant in the Netherlands. Noorhayati entered to the Netherlands at the invitation of her friend and she visited by using tourist visa. Noorhayati then worked as a waitress and lived in a small room in the restaurant pavilion where she was working, prepared by the employer.

According to Nina and Noorhayati, they need strategy to stay in the Netherlands. Western-style appearance and ability to use native language are needed. For those who are lucky, undocumented workers can collect much money from their works as houses cleaner. Most of them still have a willingness to return to Indonesia and to work in their own country. For most Indonesians people working in the Netherlands, the decision to stay for a long time is usually related to building up capital. They might eventually return home to start a small business, such as a shop, café or small boarding house in Indonesia.

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Interview

Interview with some of the staffs of the Embassy in the Hague on May 14, 2010

Interview with Yasmine Soraya, secretary of IMWU Netherlands on May 13, 2011 in Roterdam, the Netherlands

Interview with Noorhayati, Roterdam, on May 16-17, 2011

Interview with Sri Maryati and Nina in the Embassy of Indonesia, the Hague on May 13, 2011

Interview with Pieter Anthony, Amsterdan 2011

Interview with Syafei, on May 15, 2010 in Amsterdam Amstel

Interview with mr. X, on May 15, 2010 in Amsterdam Amstel

Interview with an Indonesian Embassy Consular Staff in the Hague on May 13, 2011 in the Netherlands

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CHAPTER V
CLOSING REMARKS: A THEORETICAL REFLECTION ON UNDOCUMENTED IMMIGRANT WORKERS

Amin Mudzakkir

A. INTRODUCTION

On May 23, 2011, in a house in Amsterdam, I interviewed Anis. The house was crowded with about ten immigrant workers from Surabaya, East Java. Anis, as well as his friends in the house, is illegal or undocumented. There are about 3,000 Indonesian people who work in the Netherlands illegally. They are always traveling and taking public transportation with caution. They sometimes play 'cat and mouse' with the police and immigration officers. Despite this, interestingly, they are needed in the Netherlands. They get jobs in some sectors that cannot be filled by local workers or other migrant workers. However, they are paid with low wages. In the context of the discussion on globalization, how can this fact be understood?

Some liberal thinkers argue that the control over the border and migration should be removed. If there is a 'free market' and 'free trade', why is there no 'free immigration'? This thinking is in line with the voices of human rights activists since the early 2000's

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who campaign for the notion that 'no human is illegal'. According to them, mobility is the right of all human beings. In other words, the authority of law and citizenship must be under the altar of humanity. As a basis, they refer to article 13 Paragraph 2 of the Universal Declaration of Human Rights (UDHR) which states that "everyone has the right to leave any country, including his own, and to return to his country". This was later reaffirmed in the 1990 UN Covenant on the protection of the rights of all migrant workers and their family members.

The question is whether the propositions adequately explain the case faced by Anis and millions of illegal immigrants across the world. This concluding remark will elaborate on that question by showing some problematic practices related to immigration policy. This proposed argument is that immigration policy is essentially an integral part of the existence of the capitalist state. Therefore, in the issue of immigration, globalization meets its limits.

B. THE WORLD WITHOUT BORDERS AND ITS OPPONENTS

Nowadays there are almost no events or activities which are not related, or linked, to globalization. As is often put forward by geographers, globalization is characterized by compression of space and time. There is interconnection and interdependence of political, economic, and cultural occurrences on a global scale. The development of transportation, technology, and more specifically, the internet, makes the process work with at a range and depth previously unimaginable.

As a result, economically and politically, the authority of nation-states and national sovereignty are considered threatened and, in fact, less relevant. Kenichi Ohmae says, "... in terms of real flows of economic activity, nation-states have already lost their role as meaningful units of participation in the global economy of today's borderless world" (Dauvergne, 2008: 31). A demagogue leading

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globalization, Thomas Friedman, also believes that globalization makes the world flat. Intellectual roots of these 'globalist' views can be traced to the 1950s, when sociologist Daniel Bell announced the 'end of ideology'. At the end of the 1980s, Fukuyama Bell repeated the view that it is time to say 'the end of history'. Both authors are essentially saying that the world is running towards a condition in which the ideological debate is no longer desired because liberalism in both politics and economics has won a victory against other ideologies (Steger, 2006: 1–7).

Meanwhile, at the social and cultural level, globalization is envisioned as a process of openness and fluidity of identity. Boundaries that had separated the individual and the community in various territories of different nation-states have much reconfiguration. This condition is called deterritorialized by Arjun Appadurai and "applies not only to obvious examples of enemies, such as transnational corporations and money markets, but also to ethnic groups, sectarian movements, and political formations which operate increasingly in specific airways that transcend territorial boundaries and identities" (Appadurai, 1996: 49). Sure enough, the conditions described by Appadurai refer to the existence of immigrants. Theoretically, critical questions appear here concerning what it means for people and communities who no longer have their cultural background embedded only in the bonded site. Culture, therefore, no longer refers to a territory or a particular geographical unit that is fixed, but rather the shuttle and the hybrid.

In the imagination of the world without borders, the concept that citizenship and democracy are only based on, and apply in, the limits of national sovereignty is seriously challenged. The practice of citizenship and democracy is no longer viewed as accommodating to the existence of immigrants, which now amounts to 214 million people or 3.1% of the world population, according to the International Organization for Migration (IOM) (IOM: 2012). Political membership based only on a nation-state model of the

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19th century was no longer considered sustainable. In Western Europe, for example, the flood of 'guest workers' in the 1950s to the 1970s followed by refugees and asylum seekers, forced the authorities of those countries in the region to consider the idea of cosmopolitan citizenship or 'post-national' (Tambini, 2001: 195–217). This idea found its institutional justification for the establishment of the European Union. Article 8 of the Treaty of Maastricht said that members of individuals who hold citizenship in the member states are a 'citizen of the Union'. Normative clause is reflected in the use of the Schengen visa. Meanwhile, democracy is always grounded in logic, initially exclusion and inclusion, based on the current membership of political citizenship and would not want to highlight differences. Then came the concept and practice of multiculturalism. The difference of identity, including immigrant identity as a minority, became acknowledged and even accommodated within political representation.

However, instead of creating a flat world, globalization also gave birth to its enemies. After the end of the Cold War, since the fall of the Soviet Union and the Berlin Wall, views on immigration and globalization and how they work are slowly changing. One of the backgrounds is the reverse flow of migration from countries of ex-communist influence within the demographic structure of western European countries. Then, following the event of September, 11 2001, there was a turning point in the discussion on immigration and globalization (Koser, 2007: 11). After the incident, immigration was seen as a gateway for the entry of terrorists. In addition, immigration was also considered closely related to crime, drug trafficking, smuggling, and human trafficking. In short, migration is seen as a source of fear and instability within the nation-state.

Above all, immigration sentiments of Islam-phobia have been raised from the grave of medieval history (Kaya, 2009: 201). Incidentally, most of immigrants are Muslim, especially in Europe. They come from countries of the former colonies and countries of

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the Third World. These are clearly political challenges of multiculturalism in the practice of citizenship and democracy. Former British Prime Minister Tony Blair and German Chancellor Angela Markel delivered the statement that multiculturalism has failed (Walker, 2012). Multiculturalism is considered to facilitate the practice of 'gethoized' which blocks minority cultures and their integration with the local community. Now difference is considered a threat. In Germany for example, there emerged a proposal to return to the primordial origins as a basis of citizenship.

In other words, globalization is creating reterritorialization. The nation-state recreates the boundaries of *sovereignty*. Immigration is a back entrance portal fitted high to deter people who they do not want. Unskilled workers are still needed, but certainly with a limited number. It is common knowledge that there is prejudice against those who have Arab names, especially if they have the same name as terrorists who have been identified. It is difficult for these people to enter Western European countries, but even more so in the United States. Member countries of the European Union immigration policy deter them by rebuilding the old propaganda of World War II, the lexicon of 'Fortress Europe'. Gating is found not only at airports, seaports, train stations and borders between countries, but also within society and the community itself (gated communities) (Haoutum and Pijpers, 2012). This was done, for example, by way of crimes based on ethnicity and profiled religions of certain immigrant groups. In addition, access to health insurance and welfare facilities for illegal immigrants was closed altogether. Practices such as these lead to suspicion of govern mentality in the middle of the greater society for immigrants. At this point, the world without borders is only a dream.

Some liberal thinkers criticize these new trends and refer to them as illiberal practices. In the case of Canada, for example, Bauder (2003) found a gap between the practice of immigration policy, both at the social level and legal level, as well as

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the government's commitment to the principles of liberal states. According to him, the increasingly restrictive immigration policies of foreigners are against the core of liberalism, namely equality of all human beings as individuals. Humanitarianism is placed under sovereignty and community. Equality should theoretically be applied to anyone, regardless of whether the person is a citizen or not. Besides, he adds, the presence of immigrants in Canada does not burden the economy or demographic. They are good taxpayers, thereby contributing to the state treasury. Moreover, the notion that immigrants threaten what he called 'Canadian values' was an unfounded fear. Therefore, he suggested that immigration controls to be abolished. From the liberal perspective on morality and political economy, there is no reason good enough to restrict the movement of people.

Bauder's view, to a certain extent, is consistent with the sound of human rights activists who campaign diligently against the practice of policy in many Western countries who increasingly restrict the mobility of immigrants. They argue that immigration laws cannot be reformed because it is basically racist and fascist. Human rights are an important contribution of liberalism to immigration. This movement began in Canada in 2003 and then spread throughout the world. They believe that the elimination of immigration control will bring the world to social justice.

> The 'No One Is Illegal' campaign is in full confrontation with Canadian colonial border policies, denouncing and taking action to combat racial profiling of immigrants and refugees, detention and deportation policies, and slave-wage conditions of migrant workers and non-status people.
>
> We struggle for the rights of our communities to maintain their livelihoods and resist war, occupation, and displacement, while building alliances and supporting indigenous sisters and brothers who are also fighting theft of land and displacement (Dauvergne, 2008: 9)

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C. UNDER THE SHADOW OF CAPITAL

In Scholte's notes, the term globalization has become increasingly popular since the early 1980s. It refers to the four terms, namely internationalization, universalization, liberalization, and westernization (Scholte, 2002). Of these, only one opinion revealed that instead of a specific conceptual agreement, globalization is a term that can refer to many things, even all at once, and to some degree looks like a cliché. Hence, according to Wallerstein, viewed from the perspective of the history of the longue durée, globalization is not a new phenomenon because it was more of a transition 'world-system' which essentially has been formed since the end of the 15th century (Wallerstein, 2000: 249–265). Transition that creates a contemporary version of the 'world system' takes place in post-1945 following the end of World War II, giving birth to the new independent states in Asia and Africa. The 'world-system' by Wallerstein is a system of international division of labor according to the logic of capitalism. Categorically, countries around the world are on the three zones, namely central, semi-periphery, and periphery. For countries located in the central zone, such as Western Europe and the United States, they rely on the mastery of science and technology as the basis of their industry, while the peripheral countries, like Indonesia and most other Asian and African countries, provide natural resources and energetic cheap labor.

Thus, following Wallerstein's argument, the presence of immigrants, both legal and illegal, is an integral part of the global capitalist system. 'The legal and the illegal', who became a major interest among human rights activists, is not important category. Since its beginnings, capitalism has changed the concept of 'human being' to 'human capital' (Samers, 2003). The existence of migrant workers is first seen as a factor of production, not as human beings per se. Through development, legals and illegals, citizens and non-citizens, it is simply a product of immigration policy that works

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exactly in the tension between the need and market demand. The argument put forward by liberal Bauder above confirms this. He said "If illegal immigrants are not burdensome and even contribute to the economy, why should they be banned?"

At first glance the proposed 'free immigration' sounds like a solution to the growing trend of anti-immigrant sentiment. However, this proposal is not and nor is the proposed 'free market' or 'free trade', which is another word for universalization. This idea, although it is difficult to be confirmed in real politics, also contains some problematic morals. Once the border is no more, or after the country ceased to function, will all humans have the same access to the freedom of mobility? In order to travel by plane we must buy a ticket, but certainly not everyone could afford it. Importantly, will the removal of immigration controls really eliminate global inequality?

The questions above can still be added, but the bottom line suggests that the idea is not realistic and is problematic in itself. The reality of globalization doesn't eliminate the territorial existence, but it rearranges the forces that shape it. Even now, when immigration has not been eliminated, the portals 'border' religious lines, ethnicity, and bio-politics. They stand upright to classify people based on certain categories. The loss does not mean that immigration will automatically create the world without borders. The fact is that the replacement of a single boundary is replaced with other boundaries.

However, the limits placed on the formation of nation-states, namely immigration regimes, are still more accessible to humanitarian intervention rather than the identity boundaries which are scattered in an endless identity market. What is called politics is difficult to rely on a metaphysical concept called humanity. However, as claimed by Agamben, humanity itself will become a dangerous class (Shamir, 2005: 211). Humanity, through any

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purpose, becomes attached to a place in the end. In a Hobbesian world, humanity is filled with wolves that sometimes eat each other.

Based on the Hobbesian perspective, globalization is a regime of mobility that is always seen with the immigrants' 'paradigm of suspicion' (Shamir, 2005: 197). It works by limiting access to rights and certain fulfillments through the regulation of social space not only in the context of the country, but also multinational corporations, regional blocs, and even international organizations. This paradigm works not only at the door of the nation's immigration country, but also universalizes the fear of what Simmel called a 'foreigner' ('the stranger'), which is "... (is not) the who wanderer comes today and goes tomorrow, but rather (is one) comes today and stays who tomorrow—the potential wanderer, so to speak, who, although he has gone no further, has not quite got over the freedom of coming and going " (Simmel, 1950). Seen from this perspective, globalization did not destroy the function of which was originally attached to the nation-state, namely the control, but only partially diverted the discourse of power, whether the sub-national and supra-national. In other words, ontologically, the nation-state remained, although it had an understanding of epistemology

Therefore, the global situation is full of 'friction', to borrow the concept from Anna Tsing (2004). Michael Sumers' opinion is quite reasonable when he judged that the covenant is an international human rights rhetoric which can only work if it has been ratified by national governments. Ratification in fact is not a moral matter, but rather a matter of interest. It was common in the 'international diplomatic community' that if the country ratified the covenant they would access rights or privileges in a specific area. The willingness of Western European countries and the United States to receive the flow of asylum seekers and refugees, for example, was paid for with their free access to trade with the countries concerned (Pecoud and de Guchteneire, 2006: 69). Therefore, it is not surprising that until now, no developed countries have

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ratified the 1990 UN Covenant on the protection of all migrant workers and members of their families. The Netherlands, which became one of the proposer covenants, was not willing to sign a memorandum of ratification of the covenant on the grounds of national economic and political stability. In addition, the base of the covenants, namely Article 13 Paragraph 2 of the Universal Declaration contains serious ambiguities. It states the right of everyone to leave the country and return to their home country, but does not mention the right to go enter a foreign country. So far, this ambiguity is unresolved.

Globalization, like all ideologies in the history of thought, is always two-faced. This can be seen using a metaphor from the world of Javanese puppetry. Globalization appears similar to *Dasamuka*, a ten-sided figure who waged the war between Rama and his enemies. This represents globalization, deterritorialization, and reterritorialization. However, the reset is not only a nation-state concept of space within the scope of national sovereignty, but also the discourse of sub-national and supra national power. Therefore, instead of leveling the world in the light of political and economic liberalism as was believed by Fukuyama, globalization also raises and disseminates the identity politics that provides the basis for membership of new communities and societies.

In the understanding of globalization as such, the arguments put forward by human rights activists are particularly relevant. In the midst of political violence in certain circumstances, as in the case of Western countries after the events of 11 September 2001, human rights based on individuality are a counterweight to the existence of immigrants, especially illegal immigrants. Armed with these arguments, people like Anis have the confidence to face an immigration regime that increasingly restricts the mobility of illegal immigrants like himself. With this same epistemological basis, there are international organizations and groups to organize migrant workers against discriminatory practices.

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However, emancipation projects always require territory. There is no epistemology without ontology base. Objectives of the human rights movement will not be achieved if they are only placed on normative rules that could conceivably be binding. In fact, this bond is the political interest of the national economy that works to follow the logic of capital accumulation. The problem is, capital is always operating in a landscape materiality rather than on the sky of infinite possibilities. In this epistemological awareness, ethical questions about immigration and globalization can be raised.

D. CONCLUSION: A RECOMMENDATION FOR THE INDONESIAN GOVERNMENT

Although legally the Dutch Government restricted the movement of illegal workers and undocumented immigrants, socially and economically their presence is still needed by the host society. This dilemma is a gap through which the struggle to protect the basic rights of migrant workers gains legitimacy. The struggle not only comes from the migrant workers themselves, but also involves the components in the Dutch society. As described above, the IMWU NL's struggle is precisely the part of the local labor movement and has even become part of regional and global solidarity. From here, we can also see that the question of illegality is political. It is very dependent on the political pull of the policy-making process that involves many actors and interests.

Therefore, regionalization and globalization have two sides. The problem is rooted in the fact that the migration regime is always a part of nation-states. It was there that the regulations and practices were generated and applied to politics. So far the EU has not succeeded, or may never be able to successfully integrate voice-member countries in the handling of undocumented migrant workers. However, through the regionalization and globalization of the network there is also an advocate of human rights protection to build solidarity for the campaign for political and legal guarantees

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of migrant workers. Labor movements, including IMWU NL, positioned themselves in that context and with that, gained political legitimacy.

The dynamics of migration is an opportunity that unfortunately is not captured by the government of Indonesia through the Embassy. As a result, the state's obligation to protect citizens abroad, as mandated by the Act No. 34/2004 was not achieved optimally. In the context of a democratic country like the Netherlands, the opportunity to test a regulation because it is considered contrary to the values of human rights is very large. Therefore, the category of illegal or undocumented should be seen as a political product that can be changed. At this point, the Embassy can actually play a more active role by opening the door wider for communication, including the parties who have been an active voice for undocumented migrant workers and are often overlooked in the bustle of politics.

However, the Netherlands is changing. In recent years, the country has been flooded with immigrants from Eastern Europe and North Africa. This condition is sounding the security alarm of the Dutch Government and the Dutch view of immigrants is affected by this approach. This approach also tends to be cultural; seeing the act or expression of an ethnic group (immigrants) as something that is permanently attached to their mentality. Dominance of this approach in migration policy could seriously impact the presence of undocumented immigrants. Criminalization of them will continue to rise through the legal device, which further limits their mobility. This is a global issue that will challenge the principles of human rights. The extent to which civil society groups, including migrant workers, are able to answer this question remains to be seen in coming years.

This study also notes that there are specific strategies taken by the Indonesian workers in the Netherlands. Marrying in the Netherlands to a Dutch citizen is one of the strategies in obtaining permission for residency. This will be the topic of the PSDR-LIPI

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research next year. From this point we look at gender as a pivotal issue in the illegal workers discussions. Many Indonesian women decide to work abroad through illegal channels. Some of them experience sexual harassment. The position of women is clearly more vulnerable and advocacy that specifically address women's issues is expected

At the global level, illegal migrant workers are an inevitable fact of international political economic order. They are always needed as cheap labor to fill specific jobs that cannot be met by the formal workforce. In developed countries, the workers are imported from poorer countries. There is a pattern of unequal relations between developed countries and developing countries, or what Immanuel Wallerstein called central countries and the periphery, allowing the practice to continue. The peripheral countries provide cheap labor, while central countries gain abundant capital. In this context, legal issues run on different tracks with the political and economic issues. By law they are illegal, but politically and economically they are still needed.

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EPILOGUE

Although legally the Dutch government restricted the movement of illegal workers and undocumented immigrants, socially and economically their presence is still needed by the host society. This condition raises political debate among Dutch society itself. The Indonesian Migrant Workers Union (IMWU) NL's struggle is precisely the part of the local labor movement and has even become part of regional and global solidarity. From here can be concluded that the question of illegality is political. It is very dependent on the political pull of the policy-making process that involves many actors and interests.

Regionalization and globalization have two sides. The problem is rooted in the fact that the migration regime is always a part of nation-states. It was there that the regulations and practices were generated and applied to politics. So far the EU has not succeeded, or may never be able to successfully integrate voice-member countries in the handling of undocumented migrant workers. However, through the regionalization and globalization of the network there is also an advocate of human rights protection to build solidarity for the campaign for political and legal guarantees of migrant workers. This study also notes that there are specific strategies taken by the Indonesian workers in the Netherlands. Marrying in the Netherlands to a Dutch citizen is one of the strategies in obtaining permission for residency. Marrying to native is a strategy to get health insurance and health care costs in the Netherlands are very expensive.

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INSPIRATOR, PENDIRI, DAN PENGGERAK NAHDLATUL ULAMA

BRIN

BADAN RISET
DAN INOVASI NASIONAL

The Mobility of Unskilled and Undocumented Migrants: Indonesian Workers in The Netherlands

This study analyzes the Indonesian workers in the Netherlands. Focused on unskilled and undocumented workers, this study also describes the migration and citizenship policies in the Netherlands. Mix between agency and structural condition at the domestic, regional, and international levels constitute the narrative of Indonesian workers in the Netherlands. The agency is indicated by the formation of Indonesian workers organization in the Netherlands that seeks to obtain the appropriate place in the legal and political structures. The Indonesian government should look at this phenomenon by increasing its role as a protector of Indonesian citizens abroad.

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